UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE COMPANY, JOHN HANCOCK VARIABLE LIFE INSURANCE COMPANY, and MANULIFE INSURANCE COMPANY (f/k/a INVESTORS PARTNER LIFE INSURANCE COMPANY),	CIVIL ACTION NO. 05-11150-DPW
Plaintiffs,	
v.	
ABBOTT LABORATORIES,	
Defendant.	

JOHN HANCOCK'S MOTION FOR ORAL EXAMINATION AT TRIAL OF CERTAIN ABBOTT AND THIRD-PARTY WITNESSES

Plaintiffs John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company and Manulife Insurance Company (collectively, "John Hancock" or "Hancock") hereby move, pursuant to Section III.2(d)(3) of the Second Amended Order Regulating Non-Jury Trial (the "Trial Order"), for an order allowing John Hancock to call at trial: (1) the keeper(s) of records for Abbott Laboratories ("Abbott") to address Abbott's objections to the admissibility of its own documents; and (2) the keeper(s) of records for certain third parties to address Abbott's objections to John Hancock's use at trial of certifications obtained pursuant to FRE 902(11) and the underlying documents thereto.

The "good cause" for this motion, as required by Section III.2(d)(3) of the Trial Order, is to address Abbott's objections to certain trial exhibits proposed by John Hancock which are indisputably admissible. First, as set forth in John Hancock's pending Motion To Overrule Abbott's Authenticity and Various Hearsay Objections (the "Motion to Overrule") (*see* Docket No. 244), Abbott disputes the authenticity of its own documents, as well the admissibility, on hearsay grounds, of its own business records including reports, meeting minutes, presentations and agendas. If John Hancock's Motion to Overrule is not allowed, Hancock will have no choice but to call all necessary Abbott custodians to admit Abbott's documents. John Hancock has not reciprocated Abbott's obstructive conduct. To facilitate the Court's consideration of relevant evidence, John Hancock has not (and will not) make any objection to the authenticity and admissibility of its own (and even Abbott's) business records.

Second, Abbott disputes the admissibility, on authenticity and hearsay grounds, of certain third-party documents produced by McKinsey & Company ("McKinsey"), Constella Group, LLC, formerly known as Resource Solutions, Inc. ("Constella"), and Phone Screen/American Mediconnect, Inc. ("Phone Screen") (collectively, the "Third Parties"). To avoid calling custodians for the Third Parties, John Hancock sought and obtained certifications, pursuant to FRE 902(11), attesting that their documents are authentic "business records" under FRE 803(6). Copies of the certifications are attached hereto as Exhibits 1-3.

Notwithstanding that John Hancock provided notice of these certifications and otherwise complied with FRE 902(11), Abbott continues to object to the underlying documents. Abbott also apparently contends that the certifications should have been filed by John Hancock along with its direct testimony affidavits on January 28, 2008 and, thus, are

untimely. The Trial Order imposes no such requirement. In light of Abbott's objections, John Hancock has no choice but to call all necessary custodians for the Third Parties. If the Court rejects Abbott's objections to the certifications, live witness testimony would be unnecessary.

For these reasons, which are addressed more fully below, John Hancock's motion should be allowed.

Factual Background

I. ABBOTT OBJECTS TO THE AUTHENTICITY AND ADMISSIBILITY OF ITS OWN DOCUMENTS AND BUSINESS RECORDS.

On January 28, 2008, pursuant to the Trial Order, John Hancock filed a "disputed exhibit list," composed of exhibits proposed by Hancock whose admissibility Abbott contests. *See* Docket No. 224. Abbott objected to the vast majority of Hancock's exhibits on fudamentally baseless grounds. Abbott has objected on "authenticity" grounds to 339 documents produced from Abbott's own files in discovery. *See* Table of Abbott Documents That Abbott Objects To On Authenticity Grounds, attached hereto as Exhibit 4. Abbott has objected on "hearsay" grounds to the admission of 180 business records from its own files, such as reports, meeting minutes, presentations and agendas. *See* Table of Abbott Business Records Objected-to By Abbott On Hearsay Grounds, attached hereto as Exhibit 5.

On February 8, 2008, John Hancock filed a Motion to Overrule these objections. *See* Docket No. 244. Hancock also filed a Motion to Shorten The Deadline For Abbott's Opposition. *See* Docket No. 243. Abbott has not opposed these motions and they are presently under advisement. Nor has Abbott withdrawn any of its objections to the disputed exhibits.

II. ABBOTT OBJECTS TO THE AUTHENTICITY AND ADMISSIBILITY OF BUSINESS RECORDS PRODUCED BY THIRD PARTIES.

On April 27, 2007, John Hancock served a subpoena on McKinsey seeking documents related to Abbott's retention of McKinsey in early 2001 to assist in the review of Abbott's pharmaceutical development portfolio (the "Portfolio Prioritization Project"), and to support Abbott's integration of the recently-acquired Knoll Pharmaceutical Company. In addition to deposition testimony, McKinsey produced documents in response to John Hancock's subpoena, including several demonstrating Abbott's "likely" decision to terminate development of ABT-518 and ABT-594 just days before John Hancock committed millions of dollars to co-fund development of those Compounds. *See*, *e.g.*, PLs' FH (Initial Portfolio Prioritization reflecting that ABT-594 was a "probable T[erminate]", and ordered a "Hold/T[erminate]" and "halt all further expenditure" with respect to ABT-518), attached hereto as Exhibit 6.

On October 16, 2006, John Hancock served a subpoena on Constella seeking documents relating to Constella's contract with Abbott from 1999 to 2001 to provide management and monitoring services for Abbott's Phase IIb clinical research study, designated M99-114, for ABT-594. Constella produced documents in response to John Hancock's subpoena, including documents showing the status of the M99-114 study.

On October 23, 2006, John Hancock served a subpoena on Phone Screen seeking documents relating to Abbott's possible engagement of Phone Screen, a healthcare call center, to recruit subjects for its failing M99-114 clinical for ABT-594. Phone Screen produced documents in response to John Hancock's subpoena. Phone Screen also attested to the authenticity of a document detailing its strategy to address Abbott's inability to recruit sufficient subjects for the M99-114 study. *See* PLs' CZ, attached hereto as Exhibit 7.

On January 17, 2008, John Hancock served certifications on the Third Parties pursuant to FRE 902(11). *See* Letters from Richard C. Abati to the Third Parties (without enclosures), attached hereto as Exhibit 8. Hancock requested that the Third Parties return executed versions of the certifications on or before January 28, 2008. *Id.* Shortly before January 28, 2008, counsel for McKinsey informed John Hancock that she had been in touch with Abbott's counsel and that, as a result, McKinsey would need additional time to discuss the certification with her client. Based on McKinsey's conversations with Abbott's counsel at that time, it was (and is) John Hancock's understanding that Abbott's counsel cautioned McKinsey's counsel that the submission of a FRE 902(11) certification would expose her client to cross-examination at the trial of this matter. John Hancock further understood (and understands) that Abbott's counsel suggested that affidavits submitted after January 28, 2008 would be deemed untimely under the Trial Order and, therefore, not subject to cross-examination at trial.

The FRE 902(11) certifications were executed shortly after January 28, 2008. McKinsey returned its executed certification on January 31, 2008, and copied Abbott's counsel. *See* Exhibit 1. Constella and PhoneScreen returned their executed certifications on February 14 and 18, 2008, respectively. *See* Exhibits 2 and 3. As required by FRE 902(11), Abbott received notice of the certifications. *See* Exhibit 1; *see also* E-mails from Richard C. Abati dated February 15 (Constella) and 18 (Phone Screen), 2008, attached hereto as Exhibit 9. In anticipation of trial, John Hancock has proposed the admission of some of the documents certified by McKinsey, Constella and Phone Screen. *See* Docket No. 224.

Argument

I. BECAUSE ABBOTT OBJECTS TO THE AUTHENTICITY AND ADMISSIBILITY OF ITS OWN DOCUMENTS (INCLUDING BUSINESS RECORDS), JOHN HANCOCK SHOULD BE ALLOWED TO CALL ABBOTT'S KEEPER(S) OF RECORDS.

Unless the Court grants the Motion to Overrule, John Hancock must call at trial the keeper(s) of records for Abbott to authenticate and lay evidentiary foundations for Abbott's own documents. This time consuming and, in John Hancock's view, unnecessary process will involve testimony from one or many custodians for Abbott that: (a) each of the documents identified at Exhibit 4 ("Table of Abbott- Documents That Abbott Objects To On Authenticity Grounds") is "what [Hancock] claims" (*see* FRE 901(a)); and (b) each of the reports, meeting minutes, presentations, and agendas identified at Exhibit 5 ("Table of Abbott Business Records Objected-to By Abbott On Hearsay Grounds") is a "record[] of regularly conducted activity" (*see* FRE 803(6)). Accordingly, John Hancock respectfully requests an order that allows it to call, if necessary, the keeper(s) of records for Abbott.

II. JOHN HANCOCK SHOULD BE ALLOWED TO CALL AT TRIAL THE KEEPER(S) OF RECORDS FOR THE THIRD PARTIES, IF NECESSARY.

FRE 902(11) provides that a document is admissible as a "business record" under FRE 803(6) if it is "accompanied by a written declaration of its custodian ... certifying that the record (A) was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters; (B) was kept in the course of the regularly conducted activity; and (C) was made by the regularly conducted activity as a regular practice." *See In re Hayes Lemmerz Int'l, Inc.*, 340 B.R. 461, 470 (Bankr. D. Del. 2006) ("[FRE 902(11)] Declaration [by a third party] establishes that the

records were kept in the ordinary course of business, were made at the time of the occurrence of the events reflected therein, and were created as a part of [the third party's] regular business activities [and] thus ... have been properly authenticated and are admissible as business records pursuant to Rules 803(6) and 902(11)."); *see also McFadden v. Ballard, Spahr, Andrews, & Ingersoll*, 243 F.R.D. 1, 8 (D.D.C. 2007) (same).

The documents certified by McKinsey, Constella, and Phone Screen (*see* Exhibits 1-3) as "authentic copies of records of regularly conducted activity" should be admitted as trial evidence in this case. Each of these documents has been properly authenticated and is admissible as a business record pursuant to FRE 803(6) and 902(11). However, Abbott objects to the admissibility of these documents on various grounds, apparently including that the certifications are untimely because they were not filed along with John Hancock's direct testimony affidavits on January 28, 2008. Abbott's position should not be credited. The Trial Order does not require the filing of third-party certifications under FRE 902(11) by January 28, 2008. Furthermore, John Hancock had no control over the Third Parties and could not compel them to sign certifications prior to that date. This is particularly true where, as here, Abbott's counsel contacted at least one of the Third Parties and apparently discouraged the execution of any certification by January 28, 2008. Abbott is, therefore, in no position to complain about the timeliness of the FRE 902(11) certifications.

If the Court is not inclined to admit the documents already certified by the Third Parties as authentic "business records," then John Hancock has no choice but to call the keeper(s) of records for McKinsey, Constella, and Phone Screen to authenticate and lay the evidentiary

foundations for their documents. John Hancock, therefore, respectfully requests an order that allows it to do so.

Conclusion

For the foregoing reasons, John Hancock respectfully requests an order allowing John Hancock to call at trial: (1) the keeper(s) of records for Abbott; and (2) the keeper(s) of the records for each of the Third Parties.

Respectfully submitted,

JOHN HANCOCK LIFE INSURANCE COMPANY, JOHN HANCOCK VARIABLE LIFE INSURANCE COMPANY and MANULIFE INSURANCE COMPANY
By their attorneys,

/s/ *Brian A. Davis*

Brian A. Davis (BBO No. 546462)
Joseph H. Zwicker (BBO No. 560219)
Richard C. Abati (BBO No. (BBO No. 651037)
CHOATE, HALL & STEWART LLP
Two International Place
Boston, MA 02110
Tele: 617-248-5000
Fax: 617-248-4000

Date: February 18, 2008

LOCAL RULE 7.1 CERTIFICATION

I, Richard C. Abati, hereby certify that attorneys for John Hancock have conferred with opposing counsel before filing this Motion in an effort to resolve or narrow the issues presented.

/s/ Richard C. Abati
Richard C. Abati

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and that paper copies will be sent to those non-registered participants (if any) on February 18, 2008.

/s/ Richard C. Abati
Richard C. Abati

Exhibit 1

STROOCK

By Email

January 31, 2008

Dina Kolker
Direct Dial 212-806-5606
Direct Fax 212-806-2606
dkolker@stroock.com

Richard C. Abati, Esq.
Choate Hall & Stewart LLP
Two International Place
Boston, MA 02110
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Jeffrey I. Weinberger, Esq.
Munger, Tolles & Olson LLP
355 South Grand Avenue, 35th Fl.
Los Angeles, CA 90071-1560
Jeffrey.Weinberger@mto.com

Re: John Hancock Life Insurance Company, et al. v. Abbott Laboratories
Civil Action No. 05-11150-DPW

Dear Messrs. Abati and Weinberger:

Further to my conversations with each of you, attached please find a revised and executed declaration regarding the authenticity of documents produced by our client, McKinsey & Company, in the above referenced case.

Very truly yours,

Dina Kolker

NY 71242801v1

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE COMPANY, JOHN HANCOCK VARIABLE LIFE INSURANCE COMPANY, and MANULIFE INSURANCE COMPANY (f/k/a INVESTORS PARTNER LIFE INSURANCE COMPANY),	CIVIL ACTION NO. 05-11150-DPW
Plaintiffs,	
v.	
ABBOTT LABORATORIES,	
Defendant.	

DECLARATION OF JESSICA HOPFIELD

I, Jessica Hopfield, being first duly sworn upon oath, hereby deposes and states as follows:

1. I am a Principal at the Chicago, Illinois office of McKinsey & Company ("McKinsey"), a global management consulting firm, and have been employed at McKinsey for approximately twelve years.

2. McKinsey's records indicate that pursuant to the April 27, 2007 subpoena issued by plaintiffs John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company, and Manulife Insurance Company (f/k/a Investors Partner Insurance Company) (collectively, "John Hancock") in the above-captioned matter, McKinsey completed its

production of documents Bates-stamped MCK00001-00809 to counsel for John Hancock on August 12, 2007.

3. In or about January 2001, McKinsey was engaged by Laboratories ("Abbott") to provide consulting services to Abbott in support of its integration of Knoll Pharmaceutical Company.

4. I was familiar with McKinsey's recordkeeping practice in connection with the Abbott engagement in 2001, and I am familiar with it today.

5. The documents Bates labeled MCK00001-00809, and attached hereto at Tab A, were found in McKinsey's regularly kept business files associated with the Abbott engagement.

6. McKinsey's records indicate that these files were retrieved and produced in accordance with McKinsey's normal business practices of file creation and storage.

7. All of the Bates-stamped documents attached hereto at Tab A are authentic copies of "records of regularly conducted activity." Specifically:

a. the documents were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;

b. the documents were kept in the course of McKinsey's regularly conducted practice of consulting and business activity; and

c. the documents were kept by McKinsey's regularly conducted practice of consulting and business activity as a regular practice.

8. To the extent that any documents attached hereto were made by third parties, such documents were (a) obtained, kept, and relied upon by McKinsey as part of the regular practice of McKinsey's regularly conducted practice of consulting and business activity; and (b) integrated into McKinsey's records.

9. Nothing in this affidavit constitutes a waiver of any objections, motions, rights or limitations McKinsey or I have with respect to jurisdiction and any requirements to appear pursuant to any further subpoenas issued in accordance with the Federal Rules of Civil Procedure. More specifically, and without limitation, by signing this affidavit I am not agreeing to give any further testimony concerning these matters and reserve all of my rights under the Federal Rules of Civil Procedure.

Dated:
1/31/2008

Jessica Hopfield

Jessica Hopfield

Subscribed and sworn to before me
this 31st day of January, 2008.

Notary Public

OFFICIAL SEAL
MARIELUISE KAILING
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:01/23/09

Exhibit 2

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE COMPANY, JOHN HANCOCK VARIABLE LIFE INSURANCE COMPANY, and MANULIFE INSURANCE COMPANY (f/k/a INVESTORS PARTNER LIFE INSURANCE COMPANY),	)	CIVIL ACTION NO. 05-11150-DPW
Plaintiffs,	)	
v.	)	
ABBOTT LABORATORIES,	)	
Defendant.	)	

DECLARATION OF
CONSTELLA GROUP PRODUCT DEVELOPMENT, LLC

I, Linda M. Orovitz, being first duly sworn upon oath, hereby deposes and states as follows:

1. I am Director of Proposals and Contracts at Constella Group Product Development, LLC, formerly known as Resource Solutions, Inc. ("Constella"), and have been employed at Constella for over seven (7) years.

2. Pursuant to the October 16, 2006 subpoena issued by plaintiffs John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company, and Manulife Insurance Company (f/k/a Investors Partner Insurance Company) (collectively,

"John Hancock") in the above-captioned matter, Constella produced documents Bates-stamped CNSTLA 0001-1111 to counsel for John Hancock Life on or about November 14, 2006.

3. I was familiar with Constella's recordkeeping practice at that time, and I am familiar with the legacy record keeping practices of Constella entities today.

4. The documents Bates labeled CNSTLA 0001-1111, and attached hereto at Tab A, were found in Constella's files in such condition as to create no suspicion concerning their authenticity or trustworthiness for me as a layperson working at Constella.

5. When retrieving and reviewing the files from this transaction, Constella's normal business practice of file creation and storage was followed.

6. The Bates-stamped documents attached hereto at Tab A are authentic copies of records of regularly conducted activity. Specifically:

a. the documents were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;

b. the documents were kept in the course of Constella's regularly conducted practice of consulting and business activity; and

c. the documents were made and kept as part of the regular practice of Constella.

7. To the extent that any documents attached hereto were made by third parties, such documents were (a) business records of that third party; (b) obtained, kept, and relied upon by Constella as part of the regular practice of Constella's regularly conducted practice of consulting and business activity; and (c) integrated into Constella's records.

Dated: February 14, 2008

Constella Group
Product Development, LLC

By: Linda M. Orovitz
Linda M. Orovitz

Subscribed and sworn to before me
this 14th day of February, 2008.

Notary Public

My commission expires 4.15.09

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US2000 10610351.3

Exhibit 3

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE COMPANY, JOHN HANCOCK VARIABLE LIFE INSURANCE COMPANY, and MANULIFE INSURANCE COMPANY (f/k/a INVESTORS PARTNER LIFE INSURANCE COMPANY), Plaintiffs, v. ABBOTT LABORATORIES, Defendant.	CIVIL ACTION NO. 05-11150-DPW

DECLARATION OF PHONE SCREEN

JANET LIFSHITE-SMITH

I, _____, being first duly sworn upon oath, hereby deposes and states as follows:

1. I am the managing director at Phone Screen, a healthcare call center specializing in patient recruitment, retention and compliance services for the pharmaceutical industry, and have been employed at Phone Screen for 15 years.

2. Pursuant to the October 23, 2006 subpoena issued by plaintiffs John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company, and Manulife Insurance Company (f/k/a Investors Partner Insurance Company) (collectively, "John Hancock") in the above-captioned matter, Phone Screen produced documents to counsel for John Hancock on November 6, 2006.

3. In 2000, Abbott Laboratories ("Abbott") contacted Phone Screen to discuss the possibility of Abbott retaining Phone Screen to provide patient recruitment services in support of Abbott's Phase IIb clinical research study, designated M99-114, for ABT-594.

4. I was familiar with Phone Screen's recordkeeping practice at that time, and I am familiar with it today. Phone Screen's practice in 1999-2001 was as follows: to keep documents in file folders in file drawers.

5. The documents attached hereto at Tab A were found in Phone Screen's files in such condition as to create no suspicion concerning their authenticity or trustworthiness.

6. When retrieving and reviewing the files from this transaction, Phone Screen's normal business practice of file creation and storage was followed.

7. I hereby attest that all of the documents attached hereto at Tab A are authentic copies of "records of regularly conducted activity" within the meaning of Fed. R. Evid. 803(6). Specifically:

a. the documents were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;

b. the documents were kept in the course of Phone Screen's regularly conducted practice of consulting and business activity; and

c. the documents were kept by Phone Screen's regularly conducted practice of consulting and business activity as a regular practice.

8. To the extent that any documents attached hereto were made by third parties, such documents were (a) business records of that third party; (b) obtained, kept, and relied upon by Phone Screen as part of the regular practice of Phone Screen's regularly conducted practice of consulting and business activity; and (c) integrated into Phone Screen's records.

9. Furthermore, I have been informed that Abbott, in the course of the above-referenced matter, produced to John Hancock a document which was prepared by Phone Screen for Abbott on September 28, 2000. A true and correct copy of that document is attached hereto at Tab B.

10. Phone Screen was unable to locate the document attached hereto at Tab B in its files. However, based upon an inspection of this document, Phone Screen has no suspicion concerning its authenticity or trustworthiness.

11. I hereby attest that the document attached hereto at Tab B is an authentic copy of a "record of regularly conducted activity" within the meaning of Fed. R. Evid. 803(6). Specifically:

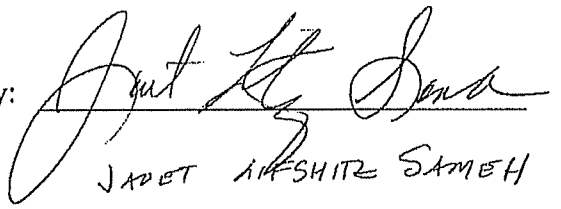
a. the document was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;

b. the document was kept in the course of Phone Screen's regularly conducted practice of consulting and business activity; and

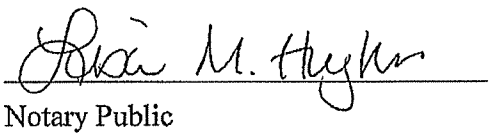
c. the document was kept by Phone Screen's regularly conducted practice of consulting and business activity as a regular practice.

Dated:

Phone Screen

By: 
JANET AMESHIR SAMEH

Subscribed and sworn to before me
this 18th day of FEBRUARY, 2008.



Notary Public

Exhibit 4

Abbott Documents that Abbott Objects to on Authenticity Grounds

Trial Exhibit	Date	Description	Bates Nos.
A	12/9/1999	MMPI Working Group Meeting Minutes	ABBT0053710-11
B	3/9/2000	Matrix Metalloproteinase Inhibitors Project - Discovery Development Candidate Meeting	ABBT0141929-83
C	7/14/2000	2001 Plan Assumption Memo	ABBT0037399-463
D	Aug-00	July 2000 Top Issues	ABBT0017616-19
F	11/00/2000	Information for Clinical Investigators, ABT-518	ABBT0055691-772
G	11/8/2000	Oncology Portfolio Analysis Inputs - Project List, Product Profiles and Probabilities of Technical Success - Draft for Team Review, November 8, 2000	ABBT292350, ABBT292365, ABBT302701, ABBT302721
H	1/11/2001	MMPI Working Group Meeting, Meeting Objective: ABT-518 Program Update	ABBT0045274-276
I	2/1/2001	ABT-518 Monthly Report, February 2001	ABBT0000343-48
J	2/1/2001	ABT-518 Descriptive Memorandum, February 2001	ABBT0004032-39
K	2/4/2001	Oncology Status Report	ABBT0045333-35
L	3/1/2001	ABT-518 Monthly Report, March 2001	ABBT0000349-53
N	3/8/2001	MMPI Monthly Meeting Agenda	ABBT0045253
O	3/8/2001	MMPI Working Group Meeting Minutes	ABBT300143-44
P	3/9/2001	Oncology Status Report	ABBT0045324-326
Q	3/9/2001	Letter from Tom Capetan to Dr. Nisen re: Report on ABT 518-Evaluation in Ocular Anglogenic Models	ABBT0049922-26
R	3/12/2001	Email from Philip M. Deemer to sblewitt@jhancock.com@internet re MMPI Program Update	ABBT0004031-39
S	3/12/2001	Email from Diane L. D'Amico to jhm@nki.nl re M00-235 Update	ABBT0033104
T	3/12/2001	Email from Diane L. D'Amico to jhm@nki.nl re M00-235 Update	ABBT0055172-73
U	3/13/2001	Email from Jim Looman to Azmi A. Nabulsi et al. re NKI Study	ABBT0033093
W	3/14/2001	Email from Diane L. D'Amico to l.v.beerepoot@azu.nl re M00-235: Validated PD Methods	ABBT0046350
Y	3/16/2001	Email from Philip M. Deemer to Joyce L. Devault re For Overhead	ABBT0004507-09
Z	3/19/2001	Email from Jim Looman to Diane L. D'Amico re M00-235 Update	ABBT0055205-06
AA	3/19/2001	Email from Diane L. D'Amico to Willy Jansen et al. re M00-235 Update	ABBT0033096-97
AB	3/20/2001	E-mail from Deemer to Nisen	ABBT245847
AC	3/21/2001	Email from Jim Looman to Diane L. D'Amico re Restart 518 Study	ABBT0508262
AD	3/21/2001	Email from Perry D. Nisen to Philip M. Deemer re Hancock and Alcon	ABBT246501
AE	3/22/2001	Email from Paige Gjelsten to MMPI Team re MMPI Working Group Meeting Minutes: 3/8/01	ABBT300130-32, ABBT300142-44
AF	3/22/2001	Email from Philip M. Deemer to Perry D. Nisen re Hancock and Alcon	AL000403
AG	4/16/2001	E-mail from Perry D. Nisen to Azmi A. Nabulsi re:	ABBT0063627-28

Trial Exhibit	Date	Description	Bates Nos.
		DMC Project Review Meetings	
AH	5/1/2001	Monthly Highlights - Key Project Progress	ABBT0000361-65
AI	5/1/2001	ABT-518 Monthly Report, May 2001	ABBT143915.UR-20
AJ	5/2/2001	Email from Tamara L. Garavalia to Michaela L. James et al. re: ABT518	ABBT0055426
AK	5/11/2001	Oncology Status Report	ABBT0045302-304
AN	5/22/2001	Email from Perry D. Nisen to John M. Leonard re: ABT-518	ABBT0064226
AO	5/25/2001	Email from Diane L. D'Amico to Diane C. Bronson et al. re: ABT-518 Tox	ABBT0059368
AP	5/25/2001	Email from Diane L. D'Amico to Lise I. Loberg re: ABT-518 Tox	ABBT0061200
AQ	5/28/2001	Email from Diane C. Bronson to Diane L. D'Amico re: ABT-518 Tox	ABBT0057052
AR	5/28/2001	Email from Diane C. Bronson to Lise I. Loberg re: ABT-518 Tox	ABBT0155970
AS	5/29/2001	Email from Lise I. Loberg to William M. Bracken et al. re: resume ABT-518 activities: FALSE ALARM!	ABBT0157559
AT	6/4/2001	Oncology Status Report	ABBT0045296-97
AU	6/4/2001	Email from 8776893456@skytel.com to Diane L. D'Amico re: MMPI	ABBT0057906
AV	6/4/2001	Email from Thomas J. Lyons to Kenneth D. Stiles re: MMPI-Phase I Study Options	ABBT334695-97
AW	6/6/2001	Email from Lise I. Loberg to William M. Bracken et al. re: ABT-518 update	ABBT0157798-99
AX	6/7/2001	MMPI Working Group Meeting Minutes	ABBT0026340-42
AY	6/7/2001	MMPI Monthly Meeting Agenda	ABBT0045226-27
AZ	6/7/2001	MMPI Working Group Meeting Minutes	ABBT0057877-878
BA	6/14/2001	Email from Diane C. Bronson to Paige Gjelsten re: MMPI Meeting Minutes from 6/7/01	ABBT0033472-74
BB	6/21/2001	M00-235 Teleconference: Schellens Notification of Study Termination	ABBT0033089-98, 101, 104-108, 110, 113-114, 117-119
BC	7/30/2001	Email from Philip Deemer to Dan Norbeck re MMPI	ABBT245647
BG	5/17/2002	Clinical Study Report R&D/02/118 - A Phase I Ecalating Multiple Dose Study Of Matrix Metalloproteinase Inhibited (ABT-518) In Patients With Advanced Career; ABT-518/ Protocol Moo-235	ABBT0033583-658
BH	9/15/2005	Email from Jane A. Hoff-Smith to Suzanne Lebold et al. regarding Update on ABT-518	ABBT372504
BJ	00/00/00	Proposed Program Rationalization	ABBT0018775
BK	00/00/00	Letter from Azmi to Jim re project review with upper management on Wednesday	ABBT0507866
BN	3/9/2000	MMPI A-291518 Discovery Development Candidate Approval Slide	ABBT0141509
BP	3/9/2000	Email from Aldona T. Matalonis to hg@clinphone.com@internet re Suspend Work on Abbott M99-115 IVR Project	ABBT0150827
BQ	12/1/1998	A-173259.47: A Novel Potent, Non-Opioid Analgesic	ABBT0023920-81
BR	1/15/1999	Memo to Leonard re Meeting Minutes for Analgesia Venture Portfolio Review	ABBT0005027-37

Trial Exhibit	Date	Description	Bates Nos.
BS	2/24/1999	Email from Kacos to Boyd re Analgesia Portfolio Review, with slides	ABBT0114450-519
BT	3/12/1999	Letter from McCarthy to Meyer enclosing documents for ABT-594 European Advisory Meeting	ABBT0024357-69
BU	4/1/1999	ABT-259 Transition Strategy dated April 1999	ABBT0020594-611
BV	6/1/1999	ABT-594 Development Plan dated June, 1999	ABBT0018986-0019095
BX	11/17/1999	Email from Aldona T Matalonis to Catherine K Kacos re 3 page summary sheet for ALZA	ABBT0105015-19
BY	12/21/1999	Email from James W Thomas to Fred W. Siebert et al.re 114 Sample Size	ABBT0051889
BZ	1/24/2000	Email from Christopher J Silber to Grace C Dunn et al. re Analgesia Venture Monthly Highlights	ABBT0159624
CA	1/31/2000	Abbott/NeuroSearch, Joint Research Council, January 31 - February 1, 2000	ABBT0022519-69
CB	3/1/2000	March 2000, ABT-594 Project Status Report	ABBT0004401-09
CC	4/1/2000	ABT-594 Descriptive Memorandum	ABBT0107546-551
CD	5/31/2000	Email from Marilyn J Collicott attaching site breakdown/enrollment for M99-114	ABBT0033462-67
CE	6/1/2000	June 2000, ABT-594 Project Status Report	ABBT0004422
CF	6/9/2000	Email from Marilyn Collicott to Bruce McCarthy re Updates fro M99-114 Phase IIb Meeting	ABBT0166642-43
CH	7/6/2000	Email from Tamara L Garavalia to Aldona T Matalonis et al. re M99-114 300 mcg dose group	ABBT0161395
CI	7/7/2000	Email from Steve Blewitt to Steve Cohen re Questions	ABBT0004016
CK	7/25/2000	Email from Michael Biarnesen to Aldona Matalonis re RQA Auditor Assignment for Analgesia Venture	ABBT0161644-45
CL	8/1/2000	August 2000, ABT-594 Project Status Report	ABBT0004436
CM	8/31/2000	ABT-594 Product Development Team Meeting, Minutes	ABBT0042271-75
CN	8/1/2000	ABT-594 Product Development Team Meeting, Minutes	ABBT0162183-86
CO	8/21/2000	Email from Laura Robinson to Andrea Landsberg re RE: ABT-594 Commercial Section w/Laura Robinson Input	ABBT0161930-69
CP	8/22/2000	Email from James W Thomas to Bruce McCarthy re 114 fax ae numbers	ABBT0502613
CQ	8/29/2000	Email from James Thomas to Catherine Kacos re M99-114 graph data	ABBT0080232-33
CR	8/31/2000	Email from Marilyn J Collicott to Christopher J Silber re M99-114 Extension letter	ABBT0113703-04
CS	8/31/2000	Letter from Marilyn Collicott re Protocol M99-114: A Randomized, Double-Blind, Placebo-Controlled Comparison of the Safety and Efficacy of ABT-594 to Placebo in Subjects with Painful Diabetic Neuropathy	ABBT241302
CT	9/1/2000	September 2000, ABT-594 Project Status Report	ABBT0004443-47
CU	Sep-00	September Strategy Update	ABBT0577811-34
CV	9/11/2000	Email from Christopher J Silber to Catherine K Kacos re Trip Report: Visit to Gibson, Biton, Kipnes, Hewitt	ABBT0109317-22
CW	9/26/2000	Randomized, Double-Blind, Placebo Controlled	ABBT240985-241001

Trial Exhibit	Date	Description	Bates Nos.
		Evaluation of the Safety and Efficacy of ABT-594 in Subjects with Painful Diabetic Polyneuropthy; The 594/M99-114 Study, Centralized Patient Recruitment Program	
CX	9/27/2000	Email from Andrea Landsberg to Christopher J Silber re Purdue CDA	ABBT0105034
CY	9/28/2000	Email from James W Thomas to Rebecca L Brown re ABT-594 M99-114 Slides for David with attached notes	ABBT0051892-904
DB	10/1/2000	October 2000, ABT-594 Project Status Report	ABBT0004448-54
DC	10/3/2000	Email from Andrea Landsberg to Robert J Weiland re ABT 594/963 Purdue meeting	ABBT0117782
DD	10/9/2000	Email from Marilyn J Collicott to Susan E Nunn et al. re M99-114	ABBT237155-59
DE	10/12/2000	Email from Mike Williams to Jennifer Smoter re Re: NNR documents	ABBT0118072
DF	10/24/2000	Email from Christopher J Silber to Nancy M Palbicke re Attached question list	ABBT0114445-47
DG	10/27/2000	Email from Andrea Landsberg to Christopher J Silber et al. re 594 Leiden presentation	ABBT0116819-36
DH	11/1/2000	November 2000 ABT-594 Project Status Report	ABBT0004455-59
DI	11/1/2000	Email from Robert J Weiland to Christopher J Silber re Re: Pharmacia meeting	ABBT0107163
DJ	Nov-00	November 2000 ABT-594 Status Report	ABBT0108785-790
DK	11/1/2000	Email from Bruce McCarthy to Christopher J Silber re Re: Pharmacia meeting	ABBT101893-94
DL	11/1/2000	ABT-594 Descriptive Memorandum dated November 2000	ABBT144600.UR-09
DM	11/2/2000	Email from James Sullivan to Robert J. Weiland re Re: Pharmacia meeting	ABBT0120836-37
DN	11/9/2000	Email from Bruce McCarthy to Robert J Weiland et al. re ABT-594 Partnership Strategy Meeting	ABBT0102187-88
DP	11/17/2000	PowerPoint ABT-594 Project Review	ABBT0019102-37
DQ	11/17/2000	Draft Project Review: ABT 594 Agenda	ABBT0125290-91
DR	11/22/2000	Email from Bruce McCarthy to David D Morris et al. re ABT-594 M99-114 Study Size Discussion	ABBT0109399-400
DS	11/29/2000	Email from Michael K Biarnesen to Andrea Landsberg re Re: ABT 594 forecast scenarios for BD partnering	ABBT0119091-96
DT	11/30/2000	Email from Elizabeth Kowaluk to Bryan F Cox re Re: 12/6 meeting	ABBT326427
DU	12/1/2000	December 2000 ABT-594 Project Status Report	ABBT0004660-64
DV	12/6/2000	Email from Marilyn J Collicott to Michael K Biarnesen re Re: November Monthly Project Status Report, ABT-594	ABBT242373 ABBT242394
DX	12/14/2000	Email from Marilyn J Collicott to Marian L Borgstrom et al. re Study M99-114	ABBT236951-52
DY	12/21/2000	Email from James W Thomas to Bruce McCarthy re Re: n/v rate	ABBT0079831-34
DZ	12/21/2000	Email from James W Thomas to Bruce McCarthy re Re: n/v rate	ABBT0080180-84
EA	12/21/2000	Email from Bruce McCarthy to Christopher J Silber re landsberg email	ABBT0106516

Trial Exhibit	Date	Description	Bates Nos.
EB	12/21/2000	Email from Jennifer Dart to Christopher J Silber et al. re Analgesia Internal Review Notes	ABBT0108041
EC	12/21/2000	Email from Bruce McCarthy to Christopher J Silber re Purdue presentation	ABBT0118174-203
EE	1/15/2001	Email from Bruce McCarthy to Christopher J Silber et al. re AEs for preterms - blinded look	ABBT0108884-85
EF	1/23/2001	ABT-594 Titration Optimization Initial Brainstorm Discussion, Agenda, January 23, 2001	ABBT0504097
EG	1/25/2001	Email from Jennifer Dart to Prioritiziation Meeting Attendees re APU Priorization Meeting	ABBT0012433 ABBT0012454
EH	1/25/2001	Email from Christopher J Silber to James Sullivan re ABT-594	ABBT0102282-344
EI	2/1/2001	ABT-594 Monthly Report, February 2001	ABBT0000412-417
EJ	2/1/2001	Email from Michael K Biarnesen to Christopher J Silber et al. re Re: financial slides for Leiden meeting 2/2	ABBT0122953-59
EK	2/1/2001	ABT-594 Descriptive Memorandum, February 2001	ABBT246793-801
EL	2/2/2001	Project Review ABT-089 and ABT-594	ABBT0002314-469
EM	2/2/2001	Draft Project Review: ABT 594, Agenda	ABBT0125335-37
EN	2/2/2001	Email from Bruce McCarthy to Elizabeth Kowaluk re DSG	ABBT0163875-76
EO	2/14/2001	Email from Bruce McCarthy to Michael K Biarnesen et al. re Re: Consideration of IV work with ABT-594	ABBT0123130
EP	2/19/2001	Email from Bruce McCarthy to Chris Silber et al. re Scientific Strategy for ABT-594/NNR Tolerability	ABBT0115991-93
EQ	2/26/2001	Email from Bruce McCarthy to Marleen Verlinden re ABT-594 Guest Speaker and Discussion	ABBT0163931
ER	2/27/2001	Email from Marleen H Verlinden to Christopher J Silber re Re: ABT-594 partnering	ABBT0114639
ES	2/27/2001	Email from Marilyn J Collicott to stherriault@rsi-nc.com enclosing M99-114 Investigation List and Early Terminations	ABBT238329-33
ET	2/28/2001	Email from Bruce McCarthy to pandrews@sghms.ac.uk re Re: abbott visit	ABBT0163996-97
EU	2/28/2001	E-mail from Marleen Verlinden re: Dr. Andrews	ABBT0556315
EV	3/1/2001	Global Pharmaceutical Discovery, Internal Review, March 2001, Book #27, Michael Meyer, D47-W, AP9A-3	ABBT0024132-53
EW	3/5/2001	ABT-594 / Pain Strategy Decision Analysis, Core Team Meeting - Minutes, 3/5/01	ABBT298380-85
EX	3/6/2001	Pain Therapeutic Area Strategy/ABT-594 Decision Analysis, Decision Frame	ABBT0115871-76
FA	3/7/2001	E-mail from Bruce McCarthy re: Dr. Andrews meeting	ABBT0164139-40
FB	3/7/2001	Email from Bruce McCarthy to Elizabeth Kowaluk re Re: Draft Decision Frame for ABT-594/Pain Strategy DSG	ABBT297525-55
FD	3/8/2001	Email from Elizabeth Kowaluk to Marleen H Verlinden et al. re ABT-594/Pain Strategy DSG - 3/5 Meeting Minutes	ABBT298379-85
FE	3/9/2001	Email from Paul Andrews to Bruce McCarthy re answers	ABBT0164141-201

Trial Exhibit	Date	Description	Bates Nos.
FF	3/12/2001	Calendar Entry - Paul Andrews, PhD: ABT-594 Guest Speaker and Discussion	ABBT0022006-08
FG	3/12/2001	Paul Andrews, PhD, Meeting Agenda	ABBT0556316
FJ	3/28/2001	Email from Susan E Nunn to Judith S Brownell re update regarding M99-114	ABBT0081607
FK	4/1/2001	ABT-594 Monthly Report for April, 2001	ABBT0000491-96
FM	4/10/2001	Email from Elizabeth Kowaluk to Keith F Hendricks et al. re Pharma Strategy Retreat on May 2-4	ABBT323300-05
FO	5/4/2001	E-mail from Jeff Drajesk with GPRD attachment	ABBT0114968-72
FQ	5/4/2001	Email from Michael D Meyer to James Sullivan re ABT-594 Memo	ABBT335154
FT	5/10/2001	Email from James W Thomas to Yiming Zhang re 594	ABBT0080471-72
FU	5/23/2001	Email from Thomas E Woidat to Micahel K Biarnesen re Re: ABT-594 2001 Transition Budget; ABT-594 Transition Proposal	ABBT364494-496 ABBT0548527-34
FV	6/18/2001	Email from Judith S Brownell to Marilyn J Collicott et al. re RELEASE OF DATABASE, M99-114 (MC114A), ABT-594	ABBT239029
FX	7/1/2001	ABT-594 Monthly Report for July, 2001	ABBT0000612-18
FY	7/30/2001	Email from Elizabeth Kowaluk to Steve C Kuemmerle re ABT-594 DSG analysis - preview meetings	ABBT317214
GA	7/31/2001	Clinical Study Report No. R&D/01/171, A Randomized, Double-Blind, Placebo-Controller, Comparison of the Safety and Efficiency of ABT-594 to Placebo in subjects with Painful Diabetic Polyneuropathy	ABBT241331-560
GB	8/6/2001	Email from Elizabeth Kowaluk to Bruce McCarthy	ABBT326352
GC	8/21/2001	ABT-594 Pharma Executive Management Committee Review	ABBT0001974-2029
GD	8/21/2001	PEC ABT-594 Decision Analysis	ABBT0165081-96
GE	9/13/2001	Probability Assessment Worksheet: 9/13/01	ABBT127868.UR
GF	9/27/2001	ABT-594 Proposal for additional Phase IIb study	ABBT0048402-33
GG	10/1/2001	ABT-594 Monthly Report for October, 2001	ABBT0000758-63
GH	10/5/2001	Email from Marilyn J Collicott to JanLips710@aol.com re Re: (no subject)	ABBT241303
GI	10/9/2001	Email from Tamara L Garavalia to Linda M Fisher re ABT-594 Not Funded	ABBT0148334
GJ	10/23/2001	DSG Highlights: October 2001	ABBT0515808-9
GK	10/24/2001	Email from Philip M Deemer to Ake L Johansson re Update	ABBT246338-44
GL	11/16/2001	Letter from Daphne Pals to Mr. Steve Blewitt re Research Funding Agreement dated as of March 13, 2001 Termination of ABT-594	ABBT0033833
GM	6/7/2002	Email from Michael D Meyer to Christopher J Silber re DDC slides	ABBT0108742-79
GN	6/13/2002	DDC: A-429202 Neuronal Nicotinic Receptor (NNR) Agonist, Discovery Development Candidate	ABBT0023982-24053
GO	6/27/2002	Email from Bruce McCarthy to Marleen H Verlinden re Questions re goals	ABBT0546449-50
GP	12/10/2002	GPRD PowerPoint Presentation	ABBT0105563-86
GR	00/00/00	Probability Assessment Worksheet	ABBT0047907-08

Trial Exhibit	Date	Description	Bates Nos.
GS	00/00/00	Letter to M99-114 study cites	ABBT0082749
GT	00/00/00	ABT-594 PowerPoint Slides (Development Plan)	ABBT0102966-68
GY	00/00/2001	2001 Plan Key Statistics Pass II	ABBT0037544
GZ	00/00/2001	2001 APU Development Cost Summary	ABBT366059
HA	11/8-9/2000	E-mail string from Bruce McCarthy	ABBT0110505-6
HB	11/30/2000	Email from Michael Biarnesen to Christopher Silber re 594 sales/cost estimate slide	ABBT0122385-86
HC	1/23/2001	Project Status from Jim Tyree's Expanded Staff Meeting	ABBT0128117-18
HD	2/13/2001	Email from Marilyn Collicott to stherriault@rsi-nc.com	ABBT242681-86
HE	10/28/2000	Investigational New Drug (IND) Annual Report (Reporting Period October 29, 1999 - October 28, 2000)	ABBT236676-729
HF	2/6/2001	Summary of Success Probabilities by Project and Franchise Portfolio Analysis (January 2001)	ABBT0012431-32
HG	8/21/2001	ABT-594 Decision Analysis - Pharmaceutical Executive Management Committee Review	ABBT0022081-92
HH	10/10/2001	Email from Bruce McCarthy to Michael Biarnesen re ABT-594 Update	ABBT245657
HI	3/5/2001	ABT-594 Decision Analysis - Core Team Meeting	ABBT329247-251
HJ	5/25/2000	Letter from Marilyn Collicott to Michael Hoffstetter	ABBT242154
HK	9/3/1999	Email from Christopher to Rosemarie Waleska re Advice	ABBT0159274
HL	3/00/01	ABT-594 Monthly Report	ABBT0000451-56
HM	10/19/2001	Email from Philip M. Deemer to Bruce McCarthy re: ABT-594 Call	ABBT245857
HN	5/00/00	Cholinergic Channel Modulation	ABBT0021817-860
HO	10/10/2001	Email from Bruce McCarthy to Michael Biarnesen	ABBT245657-660
HP	9/27/2001	ABT-594 - PEC Review Book: Proposal for additional study and background (nonstandard format)	ABBT113285.UR-315.UR
HQ	7/6/2000	ABT-594 2001 Update, Clinical Studies	ABBT144619.UR-20.UR
HR	Apr-99	ABT-773 Project Status Report	ABBT005056-63
HS	5/1/1999	ABT-773 Project Status Report for May 1999	ABBT004844-50
HT	Jun-99	Top 10 Issues	ABBT0017678-79
HU	8/1/1999	ABT-773 Project Status Report dated August 1999	ABBT0004627-36
HV	3/16/2000	Email from Tim Vanbiesen to Elizabeth Kowaluk re ABT-773 Dosing Strategy Kick-off Meeting	ABBT305783-84
HW	6/1/2000	ABT-773 Ketolide Antibiotic 2000 Strategic Marketing Plan dated June 2000	ABBT0570747-70
HX	6/5/2000	ABT-773 Descriptive Memorandum dated May 2000	ABBT246466-71
HZ	9/13/2000	Email from Gregor Bosco to Carol S. Meyer re ABT-773 Dev. Plan	ABBT0557552-57
IB	11/1/2000	November 2000 - "Top" Issues	ABBT0017833
IC	11/20/2000	Email from Belinda Hightower to Phyllis Kincaid re Clinical Hold	ABBT0556812
IF	11/28/2000	Email from Jeanne M. Fox to Lawrence E. Roebel et al. re Executive Summary of ABT-773 End-of-Phase 2 Mtg w/FDA	ABBT0558150
IG	11/29/2000	Email from Jeanne M. Fox to Rod M. Mittag et al. re Slides for 12/5 Meeting	ABBT0556816-22

Trial Exhibit	Date	Description	Bates Nos.
IH	Dec-00	December 2000 Top Issues	ABBT0017554-55
II	12/5/2000	ABT-773 Portfolio Review	ABBT0577000-168
IJ	1/1/2001	ABT-773 Monthly Report	ABBT214449
IK	1/1/2001	January 2001 ABT-773 Project Status Report	ABBT222821-27
IL	2/1/2001	ABT-773 Monthly Report	ABBT0000387-99
IN	2/12/2001	ABT-773 Update, [Monthly Report for [February 12, 2001]	ABBT0576828-71
IO	2/12/2001	ABT-773 Update February 12, 2001	ABBT205042-46
IP	2/12/2001	ABT-773 Update February 12, 2001	ABBT205047-87
IQ	2/14/2001	Email from Jeanne M. Fox to James Steck re Studies to Meet Pediatric Rule Requirements	ABBT0568172
IR	2/22/2001	Email from Eugene X. Sun to Stan Bukofzer re 773 Material	ABBT204959-5046
IS	3/1/2001	ABT-773 Monthly Report for March 2001	ABBT0000428-38
IT	3/7/2001	Abbott Portfolio Review - March 7-9, 2001 re ABT-773	ABBT0013203-14
IU	3/19/2001	ABT-773 Update March 19, 2001	ABBT228099-137
IV	3/27/2001	Email from Thomas E. Woidat to William A. Brown re 773 Presentation	ABBT363844
IW	3/31/2001	Email from Marleen H. Verlinden to Eugene X. Sun re ABT-773	ABBT0571202-03
IX	Apr-01	ABT-773 April Update	ABBT0000468-78
IY	4/12/2001	ABT-773 Ph III Decision Project	ABBT116508ur-17ur
IZ	4/12/2001	Email from Thomas E. Woidat to Jennifer Dart re: Portfolio Analysis - Update with APU budgets	ABBT357615-20
JA	5/2/2001	Memo from Jeff Leiden to Stan Bukofzer, John Leonard and Eugene Sun re: First Call Report	ABBT0573479-83
JB	6/17/2001	Email to Hendricks, et al. re: Final copy of 773 decision analysis planned presentation	ABBT224941-82
JC	6/20/2001	Email from Carol S. Meyer to Ake L. Johansson, et al., re: ABT 773 Taisho/Abbott Meeting - June 26th	ABBT229367-9448
JE	7/1/2001	ABT-773 Monthly Report	ABBT0000589-98
JG	9/27/2001	Email from Carol S. Meyer to Stan Bukofzer re: ABT 773 2002 Plan Powerpoint slides	ABBT229605-09
JH	Oct-01	ABT-773 Monthly Report	ABBT0000726-35
JI	10/8/2001	Abbott Portfolio Review 2002 Plan	ABBT228798-837
JJ	12/14/2001	Email from John M. Leonard to Stan Bukotzer re: December 12 PEMC Meeting Minutes	ABBT209485-86
JK	12/17/2001	Email from Thomas J. Lyons to Stan Bukotzer re: JH Annual Progress Report & Y/E LBE	ABBT0009384-88
JL	1/3/2002	Email from Stan Bukofzer to John M. Leonard, Eugene Sun re: 773 presentation	ABBT220928-53
JM	1/3/2002	Email from Eugene X. Sun to John M. Leonard, et al., re: 773 memo to Miles	ABBT231340-42
JN	1/4/2002	Email from Stan Bukofzer to Jeff M. Leiden, et al., re: ABT 773 Memo	ABBT220660-72
JQ	2/1/2002	ABT-773 Monthly Report	ABBT0000918-927
JR	2/2/2002	E-mail from Tina Ventura re: 773 communications strategy	ABBT229753-70
JS	2/4/2002	Email from Jeff M. Leiden to Thomas J. Lyons re: 2002 773 LBE	ABBT224544-51
JT	2/9/2002	Email from Stan Bukofzer to Jeff M. Leiden re: ABT	ABBT225309-23

Trial Exhibit	Date	Description	Bates Nos.
		773 documents requested	
JU	7/11/2002	Email from Stan Bukofzer re ABT-773 Communication	ABBT203446-48
JV	9/10/2002	ABT-773 Lessons Learned Overview	ABBT222829-42
JW	Jul-04	June Highlights Memo (global outlicensing)	ABBT248011-12
JX	00/00/00	Abbott Compound Development Summaries	ABBT0094631-61
JY	3/8/2000	ABT-773 Clinical Developmnet Optimization: Analhsis of a 150mg Dose for Bronchisits and a 5-day Course of Therapy for CAP	ABBT11376.UR-427.UR
JZ	7/9/2001	Email from Steve Kuemmerle to Stan Bukofzer re ABT-773 Analysis	ABBT210063-98
KA	6/11/2003	Pain Therapeutics Program Overviews (PEC Meeting)	ABBT0102860-71, 916-19
KB	7/29/2003	Kowaluk e-mail with attached pain portfolio profile re: ABT-894	ABBT323817-30
KC	5/1/2005	ABT-894 Scientific Advistory Counsel Doc	ABBT0080815-34
KD	11/12/2006	Suzanne Lebold e-mail string re: recommend no ABT-594 outlic due to 894	ABBT371710-15
KE	1/12/2006	Email from Kevin Constable to Suzanne Lebold	ABBT279668-73
KJ		Email from Lise Loberg to William Bracken re ABT-894 IND	ABBT0155807
KK	12/14/1998	Email from Bruce McCarthy to David Ross et al re Letter to the FDA	ABBT0116076-77
KL	6/23/1999	Alternative Funding Initiatives	AL000120-131
KM	1/12/2000	Email from Thomas Freyman to Philip Deemer	ABBT246802
KO	2/7/2000	Email from Philip Deemer to Erik Zimmer et al re Hancock	ABBT245855
KR	4/5/2000	Email from Robert Weiland to Rosemarie Waleska et al re Hancock R&D Funding	ABBT246414-15
KT	6/7/2000	Email from Philip Deemer to Steve Cohen re John Hancock/Abbott Funding Collaboration	AL000198-99
KW	7/24/2000	Email from Frank Loughery to Philip Deemer et al re Hancock Deal	AL002064
KZ	8/4/2000	Email from Philip Deemer to Barbara Powell re John Hancock Slide describing John Hancock company	AL000099-102
LA	8/14/2000	Email from Steve Cohen to Julia Bouffard et al re John Hancock/Miles meeting	AL000137
LD	8/25/2000	Email from Philip Deemer to John Leonard re Hancock	AL000983
LH	10/16/2000	PPD Plan Review	ABBT0155579-80
LI	10/17/2000	Email from Daphne Pals to Brewster Lee et al re Research Funding Agreement	JH004385-461
LN	11/30/2000	MMPI Working Group Meeting Minutes	ABBT0045277-78
LO	12/1/2000	Fax from Philip Deemer to Arthur Higgins re Hancock	AL001946
LP	12/5/2000	Minutes from the D46R Senior Staff Meeting	ABBT0140316
LQ	12/15/2000	Memorandum from Steve Cohen to Dr. Jeffrey Leiden et al re 2001 Plan	ABBT0007157-74
LR	12/21/2000	2001 Plan Assumption Memo - Pass III	ABBT112985.UR-3029.UR
LS	1/11/2001	MMPI Working Group Meeting Minutes - Objective:	ABBT0045264-69

Trial Exhibit	Date	Description	Bates Nos.
		Overall Project Update	
LT	1/22/2001	Forecast Methodology and Assumptions Early Oncology Pipeline Portfolio Analysis January 2001	ABBT0012938-69
LV	1/25/2001	Email from Elizabeth Koweluk to Steve Kuemmerie et al re Summary of Success Probabilities	ABBT301935-41
LW	1/26/2001	Analgesia Venture 2001 Plan - Revised 1/26/01 to John Leonard et al	ABBT0503356-62
LX	1/26/2001	Analgesia Venture 2001 Plan - Revised 1/26/01 to John Leonard et al	ABBT144630.UR-46
LY	1/30/2001	John Hancock Life Insurance Company Research Funding Agreement - Prepared from Draft of 1/23/01	ABBT0158779-92
MA	3/1/2001	Memorandum from Xavier Frapaise to John Arnott et al re Development Portfolio Review Meeting - March 7-9	ABBT0164029-31
MB	3/2/2001	Memorandum from Matt Russell to Bob Funck et al re 2001 Plan Final Reference Package	ABBT0037509-608
MD	3/12/2001	Email from William Adams to Brewster Lee final clean and redlined versions of the Research Funding Agreement.	JH010033-142
ME	3/13/2001	J. Hancock Research Funding Agreement for Abbott: Executive Summary of March 13, 2001 Agreement	AL002066-69
MF	4/1/2001	Summary of R&D Projects - 2001 April Udpate	ABBT140276-77.UR
MG	4/1/2001	Email from Elizabeth Kowaluk to Steve Kuemmerle et al re Success Probabilities	ABBT317221-39
MH	4/12/2001	MMPI Working Group Meeting Minutes	ABBT0026337-38
MI	4/12/2001	MMPI Monthly Meeting Agenda Objectives: To Review MMPI Project Status	ABBT0045243-45
MJ	4/20/2001	Portfolio Analysis of 2001 Abbott Global Pharmaceutical Development Assets	ABBT127558.UR-652.UR
MK	4/26/2001	Email from Philip M. Deemer to Ron Gerlach re John Hancock Royalty Scenario	ABBT245877-79
ML	4/27/2001	Portfolio Analysis of 2001 Abbott Global Pharmaceutical Development Assets, Addendum: Use of Productivity Index in Portfolio Selection	ABBT326405-10
MN	5/20/2001	Global Pharmaceutical Research & Development, 2001 April Update, Dr. Jeff Leiden Follow-Up Package	ABBT0037615-16
MO	5/12/2001	Email from Perry D. Nisen to Azmi A. Nabulsi re MMPI	ABBT0063636
MP	5/31/2001	Email from Diane L. D'Amico to Lise I. Loberg re MMPI Activities	ABBT0059672
MQ	6/18/2001	Email from Thomas Woidat to Kenneth Stiles re Terminated Development Projects (Draft)	ABBT352510-15
MR	6/27/2001	Email from John Leonard to Vaseern Iftekhar et al re Terminated Development Projects	ABBT334140-45
MS	7/29/2001	Email from Robert Funck to Thomas Lyons et al re Hancock - 2002	ABBT0008946-48
MT	8/22/2001	Email from Philip M. Deemer to Ake L. Johansson re Executive Briefing, Global Licensing and Business Development	ABBT246374-409
MU	8/27/2001	Email from Philip M. Deemer to Ake L. Johansson re Update of Priorities	ABBT246324-28

Trial Exhibit	Date	Description	Bates Nos.
MV	9/28/2001	Email from Denise L. Carlson to Fusako H. Bowering re Template for Outlicensing Update	ABBT245788-805
MY	12/6/2001	Memo from John M. Leonard to Jeff Leiden re Monthly Highlights - November 2001	ABBT0003473-77
NA	12/20/2001	Handwritten Note with various attachments	ABBT0007038-54
NB	12/31/2001	Memo from Philip M. Deemer to Pamela Demain re Licensing Opportunities	ABBT246490-92
NC	12/13/2002	Memo from James L. Tyree to Jeff Leiden re January 2002 Highlights	ABBT247161-63
NE	4/15/2002	Email from John M. Leonard to Thomas J. Lyons et al. re Hancock Response	ABBT225709-10
NG	5/30/2002	2002 Update, Global Pharmaceutical Research & Development	ABBT0011680-27
NJ	11/7/2002	Memo from James L. Tyree to Jeff Leiden re October 2002 Highlights; Tyree memo dated 4/7/03 re March 2003 highlights; Leonard memo dated 2/13/04 re January 2004 highlights; Tyree memo dated 6/16/04 re May 2004 highlights; Poulos memo dated 8/15/05 re July 2005 highlights; Poulos memo dated 9/12/05 re August 2005 highlights	ABBT0518029-34, ABBT336134-35, ABBT103633.UR, ABBT103643.UR, ABBT104009.UR-10.UR, ABBT336155, ABBT336157, ABBT352502-04
NK	12/20/2002	Letter from Tom Lyons to Steve Blewitt re Research Funding Agreement dated as of March 13, 2001, (a) 2002 Program Status Report and Related Cost Summary, (b) 2003 Preliminary Annual Research Plan	AL001469-79
NL	1/30/2003	Email from Thomas J. Lyons to Jeff M. Leiden re John Hancock Update	ABBT0007586-89
NX	9/28/2004	Email from Michelle L. Campbell to Chris Martinez re Status of Documents Available for Review re John Hancock Audit	ABBT0000255-56, ABBT0126645-47
NY	10/6/2004	Email from Chris Martinez to Michelle Campbell re Status of documents available for review	ABBT0126645-47
OB	12/8/2004	Email from Karen Collari Troake to Stephen D'Amore	ABBT0000151-54
OD	1/4/2005	Email from Stephen D'Amore to Michelle Campbell re John Hancock/Abbott	ABBT0126684-87
OF	1/10/2005	Global Pharmaceutical Research & Development, Hancock Collaboration, Spending by Program Chart	ABBT148376.UR, ABBT148382.UR, ABBT148379.UR, ABBT148381.UR, ABBT__0306.UR [?], ABBT0008528-30, ABBT348223, ABBT0004602
OG	1/20/2005	Email from Chris Martinez to Michelle L. Campbell re Copies of Documents	ABBT0126734
OH	1/26/2005	Email from Michelle L. Campbell to Mark Hair re Copies of Documents Flagged Today	ABBT0126490-92
OI	1/26/2005	Email from Michelle L. Campbell to Kenneth A. Wittenberg re Copies of Documents Flagged Today - Privileged and Confidential	ABBT0126767-71
OM	2/23/2005	Email from Stephen D'Amore to Michelle Campbell	ABBT0126964-65

Trial Exhibit	Date	Description	Bates Nos.
OO	3/14/2005	Medical Products Group Portfolio Management Process	ABBT269161-210
OP	3/15/2005	Email from Michelle Campbell to Mark Hair	ABBT0000280-84
OT	3/25/2005	Email from Michelle L. Campbell to Mark Hair re John Hancock Audit	ABBT0000270-71
OX	11/7/2005	Abbott Pharmaceutical R&D Metrics Analysis	ABBT248441-547
OY	1/1/2006	2006 Portfolio Sales Data	ABBT248659-929
OZ	1/20/2006	Letter from Suzanne A. Lebold to Stephen J. Blewitt re Research Funding Agreement Between Abbott Laboratories and John Hancock dated March 13, 2001	ABBT0026105-16
PA	3/23/2006	PPG R&D Review	ABBT0047220-88
PE	00/00/00	Abbott Laboratories PPD R&D Alternative Financing Analysis John Hancock Funding Scenarios	ABBT0006861-64
PF	00/00/00	80% Power Curve for Varying Effect Size for Neuropathic Pain Based on M98-833 and Gabapentin Results	ABBT0051885-88
PG	00/00/00	Internal memorandum from Steve Cohen to Jeff and Arthur attaching Hancock package with three additional schedules	ABBT006748-68
PH	00/00/00	Initial Portfolio Prioritization	ABBT0155581-87
PI	00/00/00	Growing and Enhancing World-Class Global Research and Development at Abbott, New Organizational Plan Roll-Out PowerPoint Presentation	ABBT0162922-46
PJ	00/00/00	Memo from Azmi to Jim re Project Review	ABBT0507866
PK	00/00/00	2001 APU GPRD, Hancock Deal	ABBT148440.UR ABBT148555.UR ABBT148543.UR
PL	00/00/00	2006 LRP Forecast Submission Workbook	ABBT299286-97
PO	00/00/00	Nominal and Expected Sales Forecast	JH002314-17
PT	00/00/00	Initial Portfolio Prioritization	ABBT0155602-08
PU	00/00/2001	Division Incentive Plan Goals - 2001 DIP	ABBT354864-65
QS	00/00/00	GPRD APU - J. Leiden Questions	ABBT037609-14
RP	4/14/2004	CMR International Success Rates	ABBT308584-645
RS	11/21/2002	ABT-510 Monthly Report, Post Oct 19	ABBT0007270-72
RX	3/21/2001	Email from Thomas Woidat to Mike Higgins re Proposed APU Target Adjustments	ABBT364018-20
RY	00/00/00	Cholinergic Channel Modulator (ABT-594) 2000 AGU Development cost Summary	ABBT338037, ABBT0116305, ABBT366059
RZ	00/00/00	Abbott-John Hancock Funding Collaboration	AL000059-76
SA	10/8/2001	ABT-594 Decision Analysis, Update: ABT-594 Intermediate Dose (75-125 mcg) Ph. IIb Study	ABBT0165097-104
SD	4/20/2005	Email from Kenneth Wittenberg to Amy Potthoff, et al re Meeting re Hancock audit	ABBT0036399 ABBT0008949
SE	1/21/2005	Email from Stephen D'Amore to Michelle Campbell re Documents request in July 2004 and Re-Requested on December 17, 2004	ABBT0126735-36
SK	1/16/2001	Email from Marilyn Collicott to Jschanzenback@rsi-nc.com@internet re Meeting Today	ABBT242693-99
SL	8/7/2000	Email from Andrea Landsberg to Bruce McCarthy re 594 Development Plan	ABBT0109806-39

Trial Exhibit	Date	Description	Bates Nos.
SM	10/3/2000	Email from Bruce McCarthy to Andrea Landsberg re ABT-594/963 Purdue Meeting	ABBT0107081
SN	00/00/00	Portfolio Review Meeting, March 7-9, 2001	ABBT0092919-21
SO	9/00/2000	Pharmaceuticals Strategy Update	ABBT0155493-512
SP	9/00/2000	Pharmaceuticals Strategy Update	ABBT0577835-54

Exhibit 5

Abbott Business Records Objected-To by Abbott on Hearsay Grounds

Line	PLs' Trial Ex.	Description	Abbott's Grounds for Objection
1	A	MMPI Working Group Meeting Minutes	HEAR AUTH IRREL
2	B	Matrix Metalloproteinase Inhibitors Project - Discovery Development Candidate Meeting	HEAR AUTH OPIN
3	C	2001 Plan Assumption Memo	HEAR AUTH
4	D	July 2000 Top Issues	HEAR AUTH
5	E	ABT-518 Transition Strategy (MMPI), August 2000	HEAR
6	F	Information for Clinical Investigators, ABT-518	AUTH HEAR
7	I	ABT-518 Monthly Report, February 2001	AUTH HEAR
8	K	Oncology Status Report	AUTH HEAR
9	L	ABT-518 Monthly Report, March 2001	AUTH HEAR
10	M	Abbott Portfolio Review, March 7-9, 2001	HEAR INC
11	O	MMPI Working Group Meeting Minutes	AUTH HEAR
12	P	Oncology Status Report	AUTH HEAR
13	Q	Letter from Tom Capetan to Dr. Nisen re: Report on ABT 518-Evaluation in Ocular Anglogenic Models	AUTH HEAR
14	AE	Email from Paige Gjelsten to MMPI Team re MMPI Working Group Meeting Minutes: 3/8/01	AUTH HEAR
15	AH	Monthly Highlights - Key Project Progress	AUTH HEAR
16	AI	ABT-518 Monthly Report, May 2001	AUTH HEAR
17	AK	Oncology Status Report	HEAR AUTH
18	AM	E-mail from Nisen to Leonard with ASCO slides	HEAR
19	AT	Oncology Status Report	AUTH HEAR
20	AX	MMPI Working Group Meeting Minutes	AUTH HEAR
21	AY	MMPI Monthly Meeting Agenda	AUTH HEAR
22	AZ	MMPI Working Group Meeting Minutes	AUTH HEAR

Abbott Business Records Objected-To by Abbott on Hearsay Grounds

Line	PLs' Trial Ex.	Description	Abbott's Grounds for Objection
23	BB	M00-235 Teleconference: Schellens Notification of Study Termination	Contains More than One Document AUTH HEAR
24	BF	Email from Phillip M. Deemer to Bruceb@amgen.com@internet re: Licensing Opportunities	HEAR
25	BG	Clinical Study Report R&D/02/118 - A Phase I Ecalating Multiple Dose Study Of Matrix Metalloproteinase Inhibited (ABT-518) In Patients With Advanced Career; ABT-518/ Protocol Moo-235	AUTH HEAR
26	BI	ABT-518/Total Base	HEAR
27	BL	Timeline of events occurring with Study M00-235 in the Netherlands	HEAR
28	BM	Abbott Laboratories Project Overview - ABT 518-CLOSED	HEAR
29	BN	MMPI A-291518 Discovery Development Candidate Approval Slide	INC AUTH HEAR
30	BQ	A-173259.47: A Novel Potent, Non-Opioid Analgesic	HEAR AUTH
31	BS	Email from Kacos to Boyd re Analgesia Portfolio Review, with slides	HEAR AUTH
32	BU	ABT-259 Transition Strategy dated April 1999	AUTH HEAR INC
33	BV	ABT-594 Development Plan dated June, 1999	AUTH HEAR
34	BX	Email from Aldona T Matalonis to Catherine K Kacos re 3 page summary sheet for ALZA	HEAR AUTH
35	CA	Abbott/NeuroSearch, Joint Research Council, January 31 - February 1, 2000	HEAR AUTH IRREL
36	CB	March 2000, ABT-594 Project Status Report	HEAR AUTH
37	CD	Email from Marilyn J Collicott attaching site breakdown/enrollment for M99-114	HEAR AUTH
38	CE	June 2000, ABT-594 Project Status Report	AUTH HEAR
39	CL	August 2000, ABT-594 Project Status Report	HEAR AUTH INC
40	CM	ABT-594 Product Development Team Meeting, Minutes	HEAR AUTH
41	CN	ABT-594 Product Development Team Meeting, Minutes	HEAR AUTH

Abbott Business Records Objected-To by Abbott on Hearsay Grounds

Line	PLs' Trial Ex.	Description	Abbott's Grounds for Objection
42	CT	September 2000, ABT-594 Project Status Report	HEAR AUTH
43	CU	September Strategy Update	HEAR AUTH
44	CW	Randomized, Double-Blind, Placebo Controlled Evaluation of the Safety and Efficacy of ABT-594 in Subjects with Painful Diabetic Polyneuropthy; The 594/M99-114 Study, Centralized Patient Recruitment Program	HEAR AUTH
45	CY	Email from James W Thomas to Rebecca L Brown re ABT-594 M99-114 Slides for David with attached notes	AUTH HEAR
46	CZ	Clinical Trial Recruitment and Centralized Screening Program For Painful Diabetic Neuropathy	HEAR
47	DB	October 2000, ABT-594 Project Status Report	AUTH HEAR
48	DD	Email from Marilyn J Collicott to Susan E Nunn et al. re M99-114	HEAR AUTH
49	DG	Email from Andrea Landsberg to Christopher J Silber et al. re 594 Leiden presentation	AUTH HEAR
50	DH	November 2000 ABT-594 Project Status Report	AUTH HEAR
51	DJ	November 2000 ABT-594 Status Report	AUTH HEAR
52	DP	PowerPoint ABT-594 Project Review	AUTH HEAR
53	DS	Email from Michael K Biarnesen to Andrea Landsberg re Re: ABT 594 forecast scenarios for BD partnering	AUTH HEAR
54	DU	December 2000 ABT-594 Project Status Report	INC HEAR AUTH
55	DW	Chart and Notes re Abbott M99-114	AUTH HEAR IRREL OPIN
56	DY	Email from James W Thomas to Bruce McCarthy re Re: n/v rate	AUTH HEAR IRREL
57	DZ	Email from James W Thomas to Bruce McCarthy re Re: n/v rate	AUTH HEAR
58	EC	Email from Bruce McCarthy to Christopher J Silber re Purdue presentation	AUTH HEAR
59	ED	January 2001 ABT-594 Project Status Report	HEAR
60	EG	Email from Jennifer Dart to Prioritiziation Meeting Attendees re APU Priorization Meeting	AUTH HEAR
61	EH	Email from Christopher J Silber to James Sullivan re ABT-594	AUTH HEAR

Abbott Business Records Objected-To by Abbott on Hearsay Grounds

Line	PLs' Trial Ex.	Description	Abbott's Grounds for Objection
62	EI	ABT-594 Monthly Report, February 2001	AUTH HEAR
63	EJ	Email from Michael K Biarnesen to Christopher J Silber et al. re Re: financial slides for Leiden meeting 2/2	AUTH HEAR
64	EL	Project Review ABT-089 and ABT-594	HEAR AUTH
65	ES	Email from Marilyn J Collicott to stherriault@rsi-nc.com enclosing M99-114 Investigation List and Early Terminations	HEAR AUTH
66	EV	Global Pharmaceutical Discovery, Internal Review, March 2001, Book #27, Michael Meyer, D47-W, AP9A-3	AUTH HEAR
67	EW	ABT-594 / Pain Strategy Decision Analysis, Core Team Meeting - Minutes, 3/5/01	AUTH HEAR
68	EX	Pain Therapeutic Area Strategy/ABT-594 Decision Analysis, Decision Frame	AUTH HEAR
69	EY	Abbott Portfolio Review, March 7-9, 2001	HEAR INC BAD COPY
70	EZ	Portfolio Review Meeting, March 7-9, 2001	INC HEAR
71	FB	Email from Bruce McCarthy to Elizabeth Kowaluk re Re: Draft Decision Frame for ABT-594/Pain Strategy DSG	AUTH HEAR
72	FC	Building a World of Opportunities Together - Development portfolio review kick-off	AUTH HEAR
73	FD	Email from Elizabeth Kowaluk to Marleen H Verlinden et al. re ABT-594/Pain Strategy DSG - 3/5 Meeting Minutes	AUTH HEAR
74	FE	Email from Paul Andrews to Bruce McCarthy re answers	HEAR AUTH
75	FF	Calendar Entry - Paul Andrews, PhD: ABT-594 Guest Speaker and Discussion	AUTH HEAR
76	FG	Paul Andrews, PhD, Meeting Agenda	AUTH HEAR
77	FK	ABT-594 Monthly Report for April, 2001	HEAR AUTH
78	FN	PowerPoint M99-114 Study Review	HEAR
79	FP	M99-114 Study Review	HEAR
80	FU	Email from Thomas E Woidat to Micahel K Biarnesen re Re: ABT-594 2001 Transition Budget; ABT-594 Transition Proposal	AUTH HEAR
81	FX	ABT-594 Monthly Report for July, 2001	AUTH HEAR
82	FZ	Clinical Study Report No. R&D/01/171, A Randomized, Double-Blind, Placebo-Controller, Comparison of the Safety and Efficiency of ABT-594 to Placebo in subjects with Painful Diabetic Polyneuropathy (signed version)	HEAR

Abbott Business Records Objected-To by Abbott on Hearsay Grounds

Line	PLs' Trial Ex.	Description	Abbott's Grounds for Objection
83	GA	Clinical Study Report No. R&D/01/171, A Randomized, Double-Blind, Placebo-Controller, Comparison of the Safety and Efficiency of ABT-594 to Placebo in subjects with Painful Diabetic Polyneuropathy	AUTH HEAR INC
84	GC	ABT-594 Pharma Executive Management Committee Review	AUTH HEAR INC Contains More Than One Document
85	GD	PEC ABT-594 Decision Analysis	AUTH HEAR
86	GE	Probability Assessment Worksheet: 9/13/01	AUTH HEAR
87	GF	ABT-594 Proposal for additional Phase IIb study	AUTH HEAR
88	GG	ABT-594 Monthly Report for October, 2001	AUTH HEAR
89	GN	DDC: A-429202 Neuronal Nicotinic Receptor (NNR) Agonist, Discovery Development Candidate	AUTH HEAR
90	GO	Email from Bruce McCarthy to Marleen H Verlinden re Questions re goals	AUTH HEAR
91	GP	GPRD PowerPoint Presentation	HEAR AUTH
92	GR	Probability Assessment Worksheet	AUTH HEAR
93	GT	ABT-594 PowerPoint Slides (Development Plan)	HEAR AUTH
94	GY	2001 Plan Key Statistics Pass II	INC HEAR AUTH
95	GZ	2001 APU Development Cost Summary	AUTH HEAR
96	HC	Project Status from Jim Tyree's Expanded Staff Meeting	AUTH HEAR
97	HD	Email from Marilyn Collicott to stherriault@rsi-nc.com	AUTH HEAR
98	HE	Investigational New Drug (IND) Annual Report (Reporting Period October 29, 1999 - October 28, 2000)	AUTH HEAR
99	HF	Summary of Success Probabilities by Project and Franchise Portfolio Analysis (January 2001)	AUTH HEAR
100	HG	ABT-594 Decision Analysis - Pharmaceutical Executive Management Committee Review	AUTH HEAR
101	HI	ABT-594 Decision Analysis - Core Team Meeting	AUTH HEAR

Abbott Business Records Objected-To by Abbott on Hearsay Grounds

Line	PLs' Trial Ex.	Description	Abbott's Grounds for Objection
102	HL	ABT-594 Monthly Report	AUTH HEAR
103	HN	Cholinergic Channel Modulation	AUTH HEAR
104	HP	ABT-594 - PEC Review Book: Proposal for additional study and background (nonstandard format)	AUTH HEAR Contains more than one document
105	HQ	ABT-594 2001 Update, Clinical Studies	AUTH HEAR
106	HR	ABT-773 Project Status Report	HEAR AUTH
107	HS	ABT-773 Project Status Report for May 1999	AUTH HEAR
108	HT	Top 10 Issues	INC AUTH HEAR
109	HU	ABT-773 Project Status Report dated August 1999	HEAR AUTH
110	HW	ABT-773 Ketolide Antibiotic 2000 Strategic Marketing Plan dated June 2000	AUTH HEAR INC
111	HZ	Email from Gregor Bosco to Carol S. Meyer re ABT-773 Dev. Plan	HEAR AUTH
112	IB	November 2000 - "Top" Issues	AUTH HEAR
113	IE	FDA Contact Report - ABT-773 End of Phase 2 Meeting	HEAR
114	IH	December 2000 Top Issues	INC AUTH HEAR
115	II	ABT-773 Portfolio Review	HEAR AUTH
116	IJ	ABT-773 Monthly Report	AUTH HEAR
117	IK	January 2001 ABT-773 Project Status Report	AUTH HEAR
118	IL	ABT-773 Monthly Report	AUTH HEAR
119	IM	ABT-773 Descriptive Memorandum dated February 2001	HEAR
120	IN	ABT-773 Update, [Monthly Report for [February 12, 2001]	AUTH HEAR
121	IO	ABT-773 Update February 12, 2001	AUTH HEAR
122	IP	ABT-773 Update February 12, 2001	AUTH HEAR

Abbott Business Records Objected-To by Abbott on Hearsay Grounds

Line	PLs' Trial Ex.	Description	Abbott's Grounds for Objection
123	IR	Email from Eugene X. Sun to Stan Bukofzer re 773 Material	HEAR AUTH
124	IS	ABT-773 Monthly Report for March 2001	IRR HEAR AUTH
125	IT	Abbott Portfolio Review - March 7-9, 2001 re ABT-773	HEAR AUTH BAD COPY
126	IU	ABT-773 Update March 19, 2001	AUTH HEAR
127	IX	ABT-773 April Update	HEAR AUTH
128	IY	ABT-773 Ph III Decision Project	HEAR AUTH
129	JB	Email to Hendricks, et al. re: Final copy of 773 decision analysis planned presentation	AUTH HEAR INC
130	JC	Email from Carol S. Meyer to Ake L. Johansson, et al., re: ABT 773 Taisho/Abbott Meeting - June 26th	AUTH HEAR
131	JD	Email from Stan Bukofzer to Jeanne M. Fox re: Final copy of 773 decision analysis planned presentation	HEAR
132	JE	ABT-773 Monthly Report	INC AUTH HEAR
133	JF	ABT-773 Decision Analysis Core Team	HEAR
134	JG	Email from Carol S. Meyer to Stan Bukofzer re: ABT 773 2002 Plan Powerpoint slides	AUTH HEAR
135	JH	ABT-773 Monthly Report	AUTH HEAR
136	JI	Abbott Portfolio Review 2002 Plan	AUTH HEAR
137	JQ	ABT-773 Monthly Report	AUTH HEAR
138	JR	E-mail from Tina Ventura re: 773 communications strategy	AUTH HEAR
139	JT	Email from Stan Bukofzer to Jeff M. Leiden re: ABT 773 documents requested	AUTH HEAR
140	JV	ABT-773 Lessons Learned Overview	AUTH HEAR
141	JX	Abbott Compound Development Summaries	HEAR AUTH
142	JY	ABT-773 Clinical Developmnet Optimization: Analhsis of a 150mg Dose for Bronchisits and a 5-day Course of Therapy for CAP	AUTH HEAR

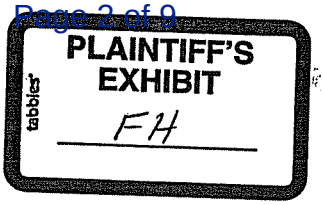
Abbott Business Records Objected-To by Abbott on Hearsay Grounds

Line	PLs' Trial Ex.	Description	Abbott's Grounds for Objection
143	KA	Pain Therapeutics Program Overviews (PEC Meeting)	INC HEAR AUTH IRREL
144	KC	ABT-894 Scientific Advistory Counsel Doc	HEAR AUTH
145	LN	MMPI Working Group Meeting Minutes	AUTH HEAR
146	LP	Minutes from the D46R Senior Staff Meeting	AUTH HEAR
147	LQ	Memorandum from Steve Cohen to Dr. Jeffrey Leiden et al re 2001 Plan	AUTH HEAR
148	LR	2001 Plan Assumption Memo - Pass III	AUTH HEAR
149	LS	MMPI Working Group Meeting Minutes - Objective: Overall Project Update	HEAR AUTH
150	LT	Forecast Methodology and Assumptions Early Oncology Pipeline Portfolio Analysis January 2001	HEAR AUTH
151	LV	Email from Elizabeth Koweluk to Steve Kuemmerie et al re Summary of Success Probabilities	AUTH HEAR
152	LW	Analgesia Venture 2001 Plan - Revised 1/26/01 to John Leonard et al	AUTH HEAR INC
153	LX	Analgesia Venture 2001 Plan - Revised 1/26/01 to John Leonard et al	AUTH HEAR INC
154	MB	Memorandum from Matt Russell to Bob Funck et al re 2001 Plan Final Reference Package	INC AUTH HEAR
155	MC	Portfolio Review Meeting - March 7-9, 2001	HEAR
156	MF	Summary of R&D Projects - 2001 April Udpate	AUTH HEAR
157	MH	MMPI Working Group Meeting Minutes	AUTH HEAR
158	MJ	Portfolio Analysis of 2001 Abbott Global Pharmaceutical Development Assets	AUTH HEAR
159	ML	Portfolio Analysis of 2001 Abbott Global Pharmaceutical Development Assets, Addendum: Use of Productivity Index in Portfolio Selection	AUTH HEAR
160	MV	Email from Denise L. Carlson to Fusako H. Bowering re Template for Outlicensing Update	AUTH HEAR
161	NG	2002 Update, Global Pharmaceutical Research & Development	AUTH HEAR

Abbott Business Records Objected-To by Abbott on Hearsay Grounds

Line	PLs' Trial Ex.	Description	Abbott's Grounds for Objection
162	OF	Global Pharmaceutical Research & Development, Hancock Collaboration, Spending by Program Chart	HEAR AUTH INC Includes more than one document.
163	OO	Medical Products Group Portfolio Management Process	HEAR AUTH IRREL
164	OX	Abbott Pharmaceutical R&D Metrics Analysis	HEAR AUTH
165	PA	PPG R&D Review	HEAR AUTH
166	PD	Project Development Timelines for ABT-518, 594, 773 and 492	HEAR INC
167	PE	Abbott Laboratories PPD R&D Alternative Financing Analysis John Hancock Funding Scenarios	HEAR AUTH
168	PF	80% Power Curve for Varying Effect Size for Neuropathic Pain Based on M98-833 and Gabapentin Results	HEAR AUTH
169	PI	Growing and Enhancing World-Class Global Research and Development at Abbott, New Organizational Plan Roll-Out PowerPoint Presentation	HEAR AUTH
170	PK	2001 APU GPRD, Hancock Deal	INC HEAR AUTH
171	PL	2006 LRP Forecast Submission Workbook	HEAR AUTH
172	PU	Division Incentive Plan Goals - 2001 DIP	HEAR AUTH IRR
173	RS	ABT-510 Monthly Report, Post Oct 19	AUTH HEAR
174	RY	Cholinergic Channel Modulator (ABT-594) 2000AGU Developmetn cost Summary	AUTH HEAR
175	SA	ABT-594 Decision Analysis, Update: ABT-594 Intermediate Dose (75-125 MCG) Ph. IIb Study	AUTH HEAR
176	SJ	Special Counsel Invoices to Abbott	Contains more than one document
177	SK	Email from Marilyn Collicott to JSCHANZENBACH@rsi-nc.com@internet re meeting today	AUTH HEAR
178	SN	Portfolio Review Meeting, March 7-9, 2001	AUTH HEAR
179	SO	Pharmaceuticals Strategy Update	AUTH HEAR
180	SP	Pharmaceuticals Strategy Update	AUTH HEAR

Exhibit 6



Jessica Hopfield
03/13/2001 07:22 PM

To: Patricia Weber/NJE/NorthAmerica/MCKINSEY@MCKINSEY
cc:
Subject: Please print and put in mail folder

---- Forwarded by Jessica Hopfield/NJE/NorthAmerica/MCKINSEY on 03/13/2001 07:23 PM ----

Michael Williams
03/13/2001 04:10 PM

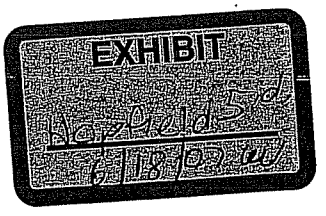
To: Jeff Leiden <jeff.leiden@Abbott.com>
cc: Jessica Hopfield/NJE/NorthAmerica/MCKINSEY@MCKINSEY, Dick Ashley/CHI/NorthAmerica/MCKINSEY@MCKINSEY, David Keeling/CHI/NorthAmerica/MCKINSEY@MCKINSEY
Subject: List of next steps from portfolio review

Jeff,

Please find attached a detailed list of the next steps by project, coming out of last week's development review. Where possible, we have assigned the responsibilities and timings we picked up during the discussions. You may wish to make changes to the list before it is more broadly distributed and we can make edits based on your handwritten comments if necessary.

We are also in the process of compiling the comments and results from the evaluation forms which we'll forward to you by later this week.

NEXT STEPS - development portfolio prioritizatioı



INITIAL PORTFOLIO PRIORITIZATION

C- continue
P- pending
T- terminate

Project	Priority	Next steps	Responsibility	Timing
Anti-infectives				
ABT-492	C	• Address safety issues (including QTc) with internal/ expert review • Determine how many indications at launch (pay back)	• J. Leonard	-
HSR-903	T	• Consider trading with Daiichi • Halt any new expenditure	• J. Tyree	-
ABT-773	C	• Assess side effects issues with expert review (QTc and liver tox.) • Ensure all drug interactions are adequately covered • Assess relative to Ketek	• J. Leonard • J. Leonard • I. Loew	-
Urology				
BSF 420627	P	• Set up task force to address issues and bring back plan to senior management – Reasons for failure of the SKB ETa/b antagonist – Design short (~4 week) PoP trial for symptom relief – Rationale for sustained release formulation – Nature of the Schwarz Pharma relationship	• J. Leonard	• By May
Hypothyroidism				
T3/T4	P	• Assess most appropriate ratio • Gain FDA feedback on study design • Determine ex-US market attractiveness (price)	• J. Leonard	• By May
Asthma				
Hokunalin tape	P	• Conduct market research on acceptance by different patient segments • Determine how to position against long acting beta agonists and combination inhalers • Evaluate opportunity to gain complete access to the patch technology	• A. Higgins/ E. Fiorentino • J. Tyree	• May

INITIAL PORTFOLIO PRIORITIZATION (CONTINUED)

C- continue
P- pending
T- terminate

Project	Priority	Next steps	Responsibility	Timing
Oncology				
ABT-510	C	• Pursue proof of concept • Leverage TAP knowledge of angiogenesis product development (appropriate endpoints)	• Project team	• As planned
ABT-751	C	• Pursue proof of concept • Use echocardiogram to monitor potential cardiotoxicity • Resolve potent drug manufacturing approach	• Project team • CMC group	• As planned
ABT-518	Hold	• Wait for May results from Pfizer (will save ~$1mill) and re-evaluate • Halt all further expenditure	• Senior management	• May
Rubitecan	P	• Significant clinical rework required (funded by partner)- further in-depth review required • Make a proceed decision when 2Q data available	• J. Leonard	• By May
Theragyn	P	• Negative initial scientific perspective - further in-depth review required, e.g., – Determine if there is a PoC to support claim – Address GMP issues – Determine best control to demonstrate efficacy • Re-look at partnership contract	• J. Leonard • J. Tyree	• By May • By May
ABT-627	C	• Seek alternative funding (e.g., NCI) before starting major trial • If move ahead – Determine how to ensure NDA filing in 2004 – Get FDA input since survival not primary endpoint – Harmonize US and EU study design and inputs • Consider partnership (e.g., BI or established oncology player)	• J. Leonard, P. Nisen • J. Tyree	• ASAP • By May

INITIAL PORTFOLIO PRIORITIZATION (CONTINUED)

C- continue
P- pending
T- terminate

Project	Priority	Next steps	Responsibility	Timing
Cardiology/ thrombosis				
Darusentan (LU 135252)	Hold	• Continue currently budgeted funding for next 6 months • Do not start any new trials (e.g., hypertension planned for May) • If proceed, plan for pilot to look at effects in sperm and tetratogenecity • Consider out-license or swap	• Project team • J. Tyree	• Ongoing • ASAP
LU 208075	Hold	• Continue currently budgeted funding for next six months • Look at Myogen deal • Out-license or swap	• Project team • J. Tyree	• ongoing
Levosimendan	C	• Conduct detailed expert panel review for trial design	• J. Leonard	• May
PEG-hirudin	P	• Set up expert panel for commercial assessment (is diabetes an option?)	• E. Ogunro	• By May
Ancrod	T	• Identify out-licensing opportunities	• J. Tyree	• TBD
Urokinase	P	• Market research required on open cath • Match versus tPA in dose-ranging studies to determine efficacy	• E. Fiorentino	• By May
Pro-urokinase	C	• Identify opportunities to speed up program	• Project team	• TBD
Clivarine	C	• Assessment by HPD (review previous evaluation and new trial data) • Understand finished product manufacturing cost	• E. Ogunro • B. Dempsey	• By May
Rythmol SR	C	• Continue filing • Verify if package is likely approvable • Assess commercial attractiveness in a generic market	• Project team	• Ongoing

INITIAL PORTFOLIO PRIORITIZATION (CONTINUED)

C- continue
P- pending
T- terminate

Project	Priority	Next steps	Responsibility	Timing
Neuroscience				
ABT 594	P	• Await results from ongoing PII trial – probable T • Project team to develop decision criteria for go/no go	• Senior management	• June/ July
ABT 963	C	• Identify a co-development/co-promotion partner (TAP high on list) • Evaluate benefits of the long half life in pain and cancer (including additional physician market research) • Explore cancer prophylaxis and Alzheimer's indications	• J. Tyree • Project team	• TBD
BSF 201640	P	• Complete review of all schizophrenia NCEs with expert panel • Complete staffing of internal project team, but halt further expenditure beyond looking at hepatic tox. and QTc • Understand Novartis contract and level of interest	• I. Loew • Project team • J. Tyree	• By May
BSF 190555	P	• Complete review as above • Halt further expenditure pending outcome	• I. Loew	• As above
BSF 74398	C	• Allow DevCo to continue development • Re-look at relationship with DevCo	• Project team • J. Tyree	• By May
Diluadid Oros	Hold	• Return to ALZA or out-license to other interested partner	• J. Tyree	• TBD
Hydrocodone	C	• Assess regulatory pathway • Understand DEA impact on manufacturing	• Project team	• By May
Bimoclomol (ABT 822)	P	• Await data from ongoing trial in April before deciding whether to continue - probable T • Halt further expenditure pending outcome	• Senior management	• April

INITIAL PORTFOLIO PRIORITIZATION (CONTINUED)

C- continue
P- pending
T- terminate

Project	Priority	Next steps	Responsibility	Timing
Gastro-enterology				
Ganaton	P	• Conduct U.S. commercial assessment with TAP	• E. Fiorentino	• By June
		• Assess how to position in Europe versus generics and implications for comparative trial		
		• Develop model to assess spend at different termination points	• Bob Funck	• By May
TU-199	T	• Terminate outside Japan	• Project team	• Immediate
AU-224	C	• Develop and pursue a small PoC trial in humans ASAP (consider niche indication first and leverage Marlene's expertise)	• Project team	• ASAP
		• Conduct market research on IBS versus constipation (including pricing)	• E. Fiorentino	
Immunology				
D2E7	C	• Conduct intensive product review – 2 day meeting with J. Lennard's group (already in process) – ½ day session with senior management group	• J. Leonard	• By May
		• Important actions include – Approach FDA for fast track and compassionate use – Develop strategy for DMARD claim in first submission – Assess need for Enbrel assay to detect HAHAs – Assess delivery device options – Evaluate additional indications (e.g., Psoriasis, Crohns, heart failure) and pediatric program – Profile Celltech product – Assess impact of additional IV program on reimbursement	• Various	• By May
		• Develop list of potential marketing partners for quids	• J. Tyree	

INITIAL PORTFOLIO PRIORITIZATION (CONTINUED)

C- continue
P- pending
T- terminate

Project	Priority	Next steps	Responsibility	Timing
Immunology ***(continued)***				
Segard	Hold	• Continue filing in EU and Canada • Put on hold in US – consider creating a small team in the US to analyse data, propose smaller PII study • Research pricing, marketing and Phase IV plans in Europe • Look at TNF-alpha levels retrospectively to see stratification with IL-6 • Assess manufacturing strategy • Identify potential out-licensing opportunities (Genentech)	• Project team • J. Leonard • J. Tyree	• Ongoing
J695	P	• Decide on most attractive indications from Abbott and partner perspective • Discuss with partner ways to share the various indications and potential for TNF-alpha combinations • Add commercial person to the project team by this week	• E. Fiorentino • J. Tyree • Ongoing	• ASAP

INITIAL PORTFOLIO PRIORITIZATION (CONTINUED)

C- continue
P- pending
T- terminate

Project	Priority	Next steps	Responsibility	Timing
PIV programs				
Clarithromycin	C	• None identified	-	-
Omnicef	C	• Talk to partners	• J. Tyree	-
Kaletra	C	• None identified	-	-
Norvir	C	• None identified	-	-
Meridia	Hold	• Conduct commercial assessment for CNS and depression (P&L)	• B. Dempsey, J. Arnott, E. Fiorentino	• ASAP
		• Assess combination therapy with fibrates • Assess outcomes trial design to meet preferred commercial profile; determine payback	• Project team	
Uprima	C	• Ensure no redundant trials with TAP in Europe	• Project team	• Ongoing
Trandolapril patch	T	• Halt all activities	• Project team	• Immediate
Trandolapril "Invest" clinical program	P	• Review trial in more detail (reduce complexity and risk)	• E. Fiorentio	• By May
Other trandolapril trials	C	• Continue "Create", "Peace" and "Benedict" trial programs	• Project team	• Ongoing
Fenofibrate	C	• Develop co-formulation ideas with Meridia and statins (including assessment of sales and costs)	• Project team	-
Depakote	C	• None identified	-	-
Gengraf	C	• None identified	-	-

Exhibit 7

Clinical Trial Recruitment and Centralized Screening Program For Painful Diabetic Neuropathy

Developed for Abbott Laboratories
September 28, 2000

Executive Summary

Abbott Laboratories is conducting a multi-center, randomized, double blind, placebo-controlled study investigating the efficacy and safety of ABT-594/M99-114 in subjects with painful diabetic neuropathy (PDN). To date, 29 U.S.-based clinical research sites have accrued approximately 151 of the needed 320 patients. The deadline for enrolling the balance of 169 subjects has been extended until March 2, 2000. Study centers will continue to use site-directed methods for recruitment, so it is anticipated that additional patients will be accrued by sites over the next five months.

In an effort to complete enrollment by the March deadline, Abbott Laboratories has asked Phone Screen (a medical call center specializing in clinical trial recruitment) and its partner GCI Healthcare Clinical Trial Recruitment (a subsidiary of Grey Worldwide which implements marketing-oriented recruitment acceleration initiatives) to develop recommendations to maximize timely delivery of the needed study subjects. As Abbott anticipates that the sites will deliver about 69 patients on their own, the recommendations are designed with a recruitment goal of approximately 100 additional subjects. Abbott has stated that the current 34% dropout rate is considered in this goal number.

Key Enrollment Challenges

While painful diabetic neuropathy is a debilitating condition that has a significant impact on quality of life, study sites are confronted with a number of issues that have affected subject accrual. These issues include:

- High study dropout rate of 34% primarily due to side effects of the investigational drug
- High level of screen failures (50%)
- An older population cohort (as defined by the incidence of PDN) resulting in medical exclusion due to co-morbidities
- Other restrictive inclusion/exclusion criteria
- A general unwillingness by otherwise qualified candidates to washout of pain medication the week prior to start-up
- Patients are hesitant to participate in a placebo-controlled study
- Ongoing competitive studies at the study site or within the study market, all vying for the same patient pool
- Diabetic neuropathy is often undiagnosed by PCPs who are the primary manager of people with diabetes

Key Learnings from Study Sites

During preparation of this proposal, GCI Healthcare contacted three study centers (Dr. Backonja's site, Dr. Gibson's site and Dr. McGill's site) to benefit from their insights on recruitment for this study. The following represent key learnings from these conversations:

- Study sites feel that radio ads will be successful in reaching potential study subjects
- The typical study subject is a retiree
- Primary motivators for entering the study are:
  - Desire for pain relief
  - Free study medication
  - Compensation for study visits
- Patients often express satisfaction with their current pain medication without realizing that they are most likely not getting much pain relief, and the Abbott study may provide the opportunity for improvement.

These insights will help drive the creative direction for development of the radio ad.

Program Strategy

- To use proven communications vehicles to generate a high volume of pre-qualified referrals in the shortest time possible
- To minimize time spent by site personnel in early screening phases of recruitment, allowing them to focus their efforts on only the most qualified candidates
- To establish excellent relationships with the study sites in order to foster an atmosphere of commitment and responsibility to the study
- To develop and implement a referral management and tracking system to ensure that all leads are processed in a timely manner

Summary of Tactical Execution

Phone Screen and GCI Healthcare have developed an accelerated recruitment program, which relies on the following Core Program components:

- Radio advertising
- Centralized call center that will manage and track all referrals from the radio ads
- Targeted direct mail component
- Study site and IRB relations
- We have also recommended a Direct Mail Campaign and "pilot" Physician Referral Expansion Program as a supplementary effort for consideration by Abbott.
- Market Mapping

These recommendations are designed to provide aggressive recruitment support to 29 of the 30 study sites, as requested by the Abbott Team. However, based on the available budget, Abbott may wish to support a select subgroup of these 29 sites. In an effort to assist with the selection process, GCI Healthcare has tentatively ranked the sites (Tier 1, Tier 2 or Tier 3) based on:

- Readily available data relative to diabetes prevalence
- The number of study sites in each market – giving higher priority to metro areas with multiple sites
- Areas with higher number of retirees

Refinements to this ranking may be necessary, as Abbott may have insights about specific study sites. GCI has built additional market mapping research into the budget.

Budget

The attached spreadsheet, which itemizes the budget, assumes that advertising support will be provided to all 29 sites. Once Abbott is able to determine how many sites to support, a final budget will be submitted.

Conclusion

Phone Screen and GCI Healthcare are poised to move forward upon approval of these recommendations and look forward to working with the Abbott Team as the study moves forward.

Recruitment Estimate Funnel

GCI Healthcare estimates that the recruitment program will need to generate 2,500 calls to the 800 number in order to meet the enrollment goal of 107 patients. The estimation of call response is determined using a funnel with dropout rates anticipated at several junctures along the way. The following are our assumptions and rationale for our call response estimates:

- **Adults age 50+ in study markets with diabetes: (1,867,865):** This is the total number of adults age 50+ with diabetes who reside in markets in which the study is being conducted.
- **Adults age 50+ in study markets with diabetic neuropathy 45%: (840,539):** Of the total number of adults age 50+ with diabetes who reside in the study markets, we estimate that 45% have diabetic neuropathy.
- **Adults age 50+ in study markets with painful diabetic neuropathy 10%: (84,053):** Of the total number of adults age 50+ with diabetes/diabetic neuropathy who reside in the study markets, Abbott has estimated that 10% have *painful* diabetic neuropathy.
- **Advertising will reach 50% at least three times: (42,026):** This is the proportion of patients 50+ with painful diabetic neuropathy residing in the study markets who will be exposed to the radio ad 3 or more times. Three exposures are considered a minimum level for generating a response. The calculation excludes those who are exposed only once or twice. The rationale is that the first or second exposure to the ad raises awareness of and interest in the message in preparation for taking action – in this case, calling the toll-free study number.
- **Estimated call response rate 6%: (2,552):** A number of motivational and situational, as well as health, factors influence an individual's response to a clinical trial recruitment advertisement.
- **Estimated # of qualified responders/referrals from phone pre-screening 10%: (252):** This factor is based on expectations that 1 out of every 10 callers will be a potential patient presenting with symptoms and medical history that meet pre- screening criteria.
- **Estimated # attending site screening 85%: (214):** Of the patients who pass the telephone screening an estimated 85% will attend the screening appointment at the clinical research site.
- **Estimated # of screen failures 50%: (107):** Abbott has estimated that half of the patients who are screened by study sites will not qualify based on exclusion/inclusion criteria.
- **Number of randomized subjects: (107):** According to the screen failure rate provided by Abbott, we anticipate that half of the patients who are referred to a site will pass the screening visit and ultimately enroll in the trial.

Core Program Elements

Radio Advertising Campaign
The advertising period would be January through March 2000 with creative development, IRB approval process, media planning and study site relations beginning immediately upon Abbott's approval to move forward.

The media strategy is to utilize radio to effectively reach the defined target audience (see below) using specific programming. Radio has been selected because of its sense of urgency, high frequency message exposure, affordable, efficient geographic coverage of the current study site list, and ability to target the audience through station format selection.

Strategic format selection is a key component in the success of a patient recruitment campaign. News and talk formats will be utilized for several reasons:

- Services well the target demographic
- Possesses active listenership – foreground, not background
- Typically yields an excellent patient response
- Feature health reports as part of their shows
- Well-known show hosts offer credibility to their sponsors

In addition, stations that play music, which appeals to the appropriate demographic audience, will be chosen to ensure effective targeting.

The media target audience for this recruitment program has been defined as:

- Adults age 50+ (with equal media weight given to men and women)
- Broad income category, but with a primary focus on those with fixed incomes or limited financial resources
- Some media weight will be applied to stations reaching English-speaking Hispanic and African American populations in relevant study markets, given diabetes prevalence

The media planning strategy includes the purchase of 15 spots per week on 2 stations for each study market for each broadcast week. However, please note that we are not recommending radio advertising for the Syosset, New York study site for the following reason: The target study population in and around Syosset will be listening to stations that cover the entire New York metro area. As New York is the one of the most expensive radio markets in the U.S., purchasing air time would not be expected to provide a meaningful return on investment unless there were multiple sites throughout the metro area – and only a very small portion of those reached by the ad will be willing to travel to Syosset.

Commercials will air Monday through Thursday only, when patient response is typically strongest. Spots will run primarily between the hours of 10 AM – 3 PM. Purchasing spots aired during specific programs during the morning and afternoon drive times may also be appropriate for some sites. It is recommended that the schedule run simultaneously for 4 weeks in each market separated by a 2-week hiatus. This hiatus allows study sites to follow-up on referrals and provides a more controlled referral volume so they will not feel so overwhelmed. However, depending on initial communications with the sites, this can be adjusted to fit their ability to process leads. During the hiatus weeks, Abbott/ Phone Screen/ GCI Team will evaluate the productivity of the first ad weeks.

Core Program Elements – continued

The radio ad script will be written to help potential study candidates, their spouses or significant others, self identify. It will utilize a strong call-to-action, and all ads will carry a single toll-free number. We expect that even with targeted messages and media planning that there will be a significant number of disqualified callers, due to the rigors of the protocol. Sites will be advised that referrals generated through advertising are potential "leads" and that that the purpose of the centralized telephone screening is to weed out those who are obviously inappropriate (e.g. inappropriate symptoms or medical history) for the study.

Implementation Logistics:

- Develop a 60 second radio script for approval by Abbott and the central and local IRBs
- Oversee production and distribution of the radio spot
- Direct media planning
- Collaborate with Phone Screen on Call Center Activities and Reporting
- Communicate with sites to announce media plans in their local markets

Tentative Tier One (highest priority) markets for radio advertising include:

- Fort Lauderdale, Pembroke Pines, and Miami/ Boca Raton
- Atlanta
- Clearwater
- Fort Myers
- Houston
- Minneapolis
- Phoenix, Peoria
- San Francisco, Walnut Creek
- St. Louis

Tentative Tier Two markets include:

- Albany
- Albuquerque
- Buffalo
- Hershey
- Norfolk

Tentative Tier Three markets include:

- Altoona, Duncansville
- Dinuba
- Greenville
- Little Rock
- Madison
- Providence
- Springfield

Centralized Call Center

The centralized call center is the locus of all patient response activity. It removes the burden of pre-screening potential volunteers from the study site personnel and provides referral services to the study sites. The call center accepts and screens all calls made to the study specific toll-free number in response to recruitment advertising. The call center will track specific recruitment matrix and provide referrals directly to the study sites.

- **Call Center Set-up**: Phone Screen project team will design and establish customized systems for call processing. These systems include call guide development and programming, toll free number(s) acquisition and set up, and programming of clinical research site contact and location information.
- **Live Operator Service**: Phone Screen's patient recruitment specialists will be available to speak with patients "live" from 7am – 10pm central standard time. Aided by a computerized call guide, Recruitment Specialists screen callers according to the protocol inclusion-exclusion criteria. Calls received after hours (10:01pm- 6: 59am) will be captured by a study-specific voice mail and followed up on the next business day.
- **Project Management**: Phone Screen provides project coordination and staffing services, manages data management systems, data storage, back up, and document management. A project team will be formed to ensure timely and thorough responses to the needs of the project partners. Key staff involved in Project Management includes:
  - **Project Manager**: Day-to-day management of the project and project team.
  - **Project Assistant**: Administrative support including data entry and report processing.
  - **Shift Supervisors**: 24-hour supervision of Recruitment Specialists.
- **Training**: Phone Screen and GCI will schedule a specialized training program for all recruitment specialists who will service the PDN study. The training program will include a review of: diabetes and PDN, study protocol, inclusion/exclusion criteria, screening questionnaire, likely callers, handling difficult callers, frequently asked questions, and referral procedures. The Abbott Team will be invited to participate in the training.

Reports

Reports provided by Phone Screen will be used to provide sites with detailed patient information, track patients through the enrollment process and summarize critical study data. Several report options are listed below. Customized reports are also available. SAMPLE REPORTS ARE ATTACHED.

- **Patient Screen:** Daily report detailing patient responses to screening questions and appointment times. A patient screen report for each pre-qualified caller will be faxed or e-mailed to the appropriate research site (depending on site preference).
- **Referral Tracking Worksheet**: Weekly worksheet sent to research sites to obtain status of referred patients. Information is summarized to provide "lag time to 1st appointment" management reports.
- **Management Reports**: Periodic and cumulative summaries of key recruitment statistics that are provided at regular intervals or on an as needed basis. These reports help to inform recruitment and retention management decisions. Samples reports are provided in the Appendix section.

Optional Supplementary Programs

Direct Mail Campaign
Well-designed, strategically targeted direct mail campaigns are a proven means of encouraging consumer response. A direct mail campaign targeting individuals 50 and older already diagnosed with diabetes will reach approximately 123,000 people in and around the counties in which there are clinical trial sites. By targeting this selected demographic, we can more efficiently and cost effectively reach potential trial participants.

A compelling direct mail piece can anticipate and address the most commonly asked questions about the research being conducted and emphasizes the benefits of participating in the trial, as well as providing customized information on individual sites. In addition, the piece can provide the option of calling the study 800 number or responding directly to the study site via a reply card. If the latter option is chosen, the study coordinator will contact the patient directly for follow-up and further screening.

Benefits

- A targeted approach will save time and money in reaching the most promising candidates for the study
- Written materials provide an opportunity to reinforce key messages about the study
- Response to the mailing is measurable
- Immediate response facilitates accelerated screening and enrollment

Implementation Logistics

- Rent/buy appropriate lists of self-reported diabetics over 50-years-old
- Design and write a generic piece which will be customized to each market
- Provide a perforated reply card
- Facilitate central and local IRB review and approval
- Manage printing and mailing of the piece
- Evaluate success via ongoing communications with study sites and tracking calls to the 800-number generated by the direct mail piece

Physician Referral Expansion Pilot Program
GCI will provide and manage the services of a partner organization with expertise in generating physician referrals. We will identify five sites to participate in a pilot program and systematically review processes for encouraging referrals. Through interviews with investigators and coordinators and reviews of patient, medical center, clinic and hospital databases, we will identify physicians relevant to the study and determine areas for improvement in dealing with them. Based on the findings, we will develop and implement an action plan for accelerating and enhancing the enrollment process. Based on the level of success and timing, we may wish to expand this program to additional markets.

Benefits

- Physician referrals offer a targeted, efficient approach to identifying patients who meet very specific inclusion/exclusion criteria for study

Implementation Logistics

- Identify pilot sites, which would benefit most from a referral network

- Conduct and analyze site-by-site review of current "referral generating" practices and impact of "medical political" climate and dynamics.
- •Mine site's internal and external medical community for physicians relevant to the study referral (via databases for medical centers, hospitals and larger clinics)
- Collaborate with local investigator and study coordinator to identify viable referral sources.
- Implement market-specific physician referral generation program including
- face-to-face meetings with potential referring physicians, written materials and ongoing contact to keep study "top of mind."

Study Site and IRB Relations

GCI recommends an overall strategy of responsive partnership with the study sites. GCI will implement this strategy through direct interaction with site personnel on a regular basis, once the centralized program is launched. A site database will be created and maintained by Phone Screen and GCI.

Benefits

- Enhanced relationships with site coordinators and investigators may increase their interest/commitment to Abbott trials over those of competitors
- Additional support for site coordinators and investigators may serve as an incentive to take on more patients

Implementation Logistics

- Contact all study site investigators (in writing only) and coordinators (by telephone and in writing) to introduce the GCI Healthcare Site Relations Manager, the recruitment support program being planned by Abbott and GCI, and review program procedures and responsibilities for the site
- Assess site's experience with and receptivity to centralized recruitment programs, referral call back capabilities and obtain local recruitment suggestions from coordinator/investigator
- Maintain ongoing contact with site coordinator during program implementation to inform of advertising plans, assess progress, referral tracking, etc. Document important conversations on Site Relations Tracking Worksheet
- Submit radio script, call guide and FAQ documents to central IRBs and sites with local IRBs for review and approval
- Track receipt of IRB approvals; notify call center of approval and activate advertising in specific market
- Conduct periodic teleconference calls with sites to assess recruitment program progress, enrollment status, etc.
- Inform Abbott of "critical" site issues relevant to recruitment program that emerge
- Provide Abbott with copies of site correspondence for investigator files

###

Exhibit 8

CHOATE

CHOATE HALL & STEWART LLP

Richard C. Abati
(617) 248-5076
rabati@choate.com

January 17, 2008

VIA OVERNIGHT MAIL

Dina Kolker, Esquire
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, New York 10038

RE: John Hancock Life Insurance Company, et al.
v. Abbott Laboratories
Civil Action No. 05-11150-DPW

Dear Dina:

As we discussed, on August 12, 2007 your firm completed the production on behalf of McKinsey & Company ("McKinsey") of documents Bates numbered MCK00001-00809 in the above-referenced matter. The trial of this litigation is scheduled for March 3, 2008. In an effort to avoid the need for trial testimony from McKinsey regarding the admissibility of the documents it previously produced, we have prepared an affidavit certifying the requisite information, as permitted under Fed. R. Evid. 902(11).

Please review the enclosed affidavit and return to me an executed version thereof (which includes the requested information regarding McKinsey's custodian and recordkeeping) on or before **January 28, 2008**.

Should you have any questions, or are unable to return the executed affidavit in a timely fashion, please contact me immediately. Thank you for your cooperation.

Sincerely,

Richard C. Abati
Enclosure

cc: Brian A. Davis, Esq.
Joseph H. Zwicker, Esq.

CHOATE

CHOATE HALL & STEWART LLP

Richard C. Abati
(617) 248-5076
rabati@choate.com

January 17, 2008

VIA OVERNIGHT MAIL

J. Christopher Jackson
Kilpatrick Stockton LLP
3737 Glenwood Ave. - Suite 400
Raleigh N.C. 27612

RE: John Hancock Life Insurance Company, et al.
v. Abbott Laboratories
Civil Action No. 05-11150-DPW

Dear Chris:

As you will recall, on November 14, 2006 you produced on behalf of Constella Group LLC ("Constella") documents Bates numbered CNSTL001-CNSTL1111, in the above-refereniced matter. The trial of this litigation is scheduled for March 3, 2008. In an effort to avoid the need for trial testimony from Constella regarding the admissibility of the documents it previously produced, we have prepared an affidavit certifying the requisite information, as permitted under Fed. R. Evid. 902(11).

Please review the enclosed affidavit and return to me an executed version thereof (which includes the requested information regarding Constella's custodian and recordkeeping) on or before **January 28, 2008**.

Should you have any questions, or are unable to return the executed affidavit in a timely fashion, please contact me immediately. Thank you for your cooperation.

Sincerely,

Richard C. Abati
Enclosure

cc: Brian A. Davis, Esq.
Joseph H. Zwicker, Esq.

4290593v1

CHOATE

CHOATE HALL & STEWART LLP

Richard C. Abati
(617) 248-5076
rabati@choate.com

January 17, 2008

VIA OVERNIGHT MAIL

Janet Lifshitz
Phone Screen
3232 North Elston Ave.
Chicago, Illinois, 60618

RE: John Hancock Life Insurance Company, et al. v. Abbott Laboratories
Civil Action No. 05-11150-DPW

Dear Ms. Lifshitz:

As you will recall, on November 6, 2006, you produced on behalf of Phone Screen documents in the above-referenced matter. The trial of this litigation is scheduled for March 3, 2008. In an effort to avoid the need for trial testimony from Phone Screen regarding the admissibility of the documents it previously produced, we have prepared an affidavit certifying the requisite information, as permitted under Fed. R. Evid. 902(11).

Please review the enclosed affidavit and return to me an executed version thereof (which includes the requested information regarding Phone Screen's custodian and recordkeeping) on or before **January 28, 2008**.

Kindly note that the affidavit also addresses a document which was produced by Abbott Laboratories ("Abbott") in this litigation. The document was prepared by Phone Screen for Abbott on September 28, 2000. Although Phone Screen was unable to locate this document during its search for responsive documents, we request that Phone Screen confirm the authenticity of this document.

Should you have any questions, or are unable to return the executed affidavit in a timely fashion, please contact me immediately. Thank you for your cooperation.

Sincerely,

Richard C. Abati
Enclosure

4290591v2

cc: Brian A. Davis, Esq.
Joseph H. Zwicker, Esq.

Exhibit 9

Abati, Richard

From: Abati, Richard
Sent: Friday, February 15, 2008 12:17 PM
To: 'Lorenzini, Eric'; 'Guzelsu, Ozge'
Cc: Davis, Brian; Zwicker, Joseph H.
Subject: John Hancock // Abbott
Attachments: 10623472_1.PDF; scanned_.pdf

Eric and Ozge:

Pursuant to Fed. R. Evid. 902(11), attached hereto is a declaration from Constella Group Product Development, LLC, which attests to the fact that the documents identified therein are "business records." Please let me know by the 5 PM (EST) today if Abbott still objects to John Hancock's offering of such documents from Constella (or any other third party that has submitted a 902(11) certification, such as McKinsey (also attached hereto)) and, if so, the grounds of Abbott's objection(s). Thank you for your cooperation.

Rich

Abati, Richard

From: Abati, Richard
Sent: Monday, February 18, 2008 11:43 AM
To: 'Lorenzini, Eric'; 'Guzelsu, Ozge'
Cc: Davis, Brian; Zwicker, Joseph H.
Subject: RE: John Hancock // Abbott
Attachments: choate.pdf

Eric:

Pursuant to FRE 902(11), attached hereto is a declaration from Phone Screen (which we just received). Again, please let me know ASAP if Abbott objects to John Hancock's offering of such third party certifications and their underlying documents. Thank you.

Rich

From: Abati, Richard
Sent: Friday, February 15, 2008 12:17 PM
To: 'Lorenzini, Eric'; 'Guzelsu, Ozge'
Cc: Davis, Brian; Zwicker, Joseph H.
Subject: John Hancock // Abbott

Eric and Ozge:

Pursuant to Fed. R. Evid. 902(11), attached hereto is a declaration from Constella Group Product Development, LLC, which attests to the fact that the documents identified therein are "business records." Please let me know by the 5 PM (EST) today if Abbott still objects to John Hancock's offering of such documents from Constella (or any other third party that has submitted a 902(11) certification, such as McKinsey (also attached hereto)) and, if so, the grounds of Abbott's objection(s). Thank you for your cooperation.

Rich